3 1761 11890973 8


Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

https://archive.org/details/31761118909738

CAI
YI
-D32

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 17

OFFICIAL REPORT
(HANSARD)

Tuesday, May 30, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

LIBRARY
JUL 08 2006
University of Toronto

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, May 30, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to draw your attention to the presence in the gallery of His Excellency Dr. Abdul Aziz Abdul Ghani, Speaker of the Shoora Council of the Republic of Yemen.

On behalf of honourable senators I welcome you to the Senate of Canada.

[*Translation*]

SENATORS' STATEMENTS

THE LATE JACQUES BOUCHARD

Hon. Dennis Dawson: Honourable senators, Canada's communications and advertising community is in mourning. The father of French-language advertising in Canada, Jacques Bouchard, died a few days ago at the age of 75. Author of *Les 36 cordes sensibles des Québécois* and father of modern Canadian advertising, Bouchard has passed on.

In addition to creating countless memorable ad campaigns, he gave the francophone communications sector in Quebec and in Canada the foundation upon which to build our strength in communications worldwide.

Frustrated by the attitude of agencies that merely translated ads written in English, he and his partners founded BCP, which, in time, became one of the largest agencies in Canada and one of the most innovative in the world. He recognized Quebec's distinct character long before it became fashionable to do so and produced the first political ads targeting Quebec audiences.

Today, I would like to pay tribute to him with one of his best-known sayings: "Lui, y connaît ça!" Thank you, Jacques Bouchard, you really did know your stuff.

• (1410)

[*English*]

MUSICFEST CANADA

CONGRATULATIONS TO ESTEVAN COMPREHENSIVE SCHOOL SYMPHONIC WIND AND JAZZ ENSEMBLE

Hon. Leonard J. Gustafson: Honourable senators, I wish to bring to the attention of the Senate that the Estevan Comprehensive School Symphonic Wind and Jazz Ensemble from Estevan, Saskatchewan and under the direction of Colin Grunet, won gold in the instrumental jazz division and silver in the concert band/orchestra division of the MusicFest Canada 2006 competitions held here in Ottawa.

The band travelled here from Estevan by bus. I wish to add that many teachers and others put in a lot of time in arranging and working with these young people. We should appreciate their efforts.

I also want to say that my grandson played the solo in the jazz band.

Hon. Senators: Hear, hear!

[*Translation*]

QUEBEC BLACK MEDICAL ASSOCIATION

FIFTEENTH ANNIVERSARY

Hon. Lucie Pépin: Honourable senators, this year the Quebec Black Medical Association celebrates its fifteenth anniversary. Through its scholarships, this association has, since 1991, enabled nearly 300 black students to pursue higher education in the medical sciences. These talented young people, who come from disadvantaged economic and cultural backgrounds, are today doing medical research or working in the medical field. They are thus contributing to the vitality of our health care system and enriching Quebec and Canadian society at the same time.

The efforts of this foundation have produced excellent results not only through the generosity of many private and public partners, but also thanks to the energy of Dr. Elrie C. Tucker. Dr. Tucker, aged 74, established this association to ensure that other black students did not face the difficulties he had to overcome. As the first black student in the faculty of medicine at McGill University, through his desire to succeed and his perseverance, he became a "star gynecologist", as he humorously describes himself. We must remember that when, as a medical student, he told his professors he wanted to be an obstetrician and gynecologist, they told him that unfortunately no man in Westmount would ever refer his wife to him, a black doctor.

Prejudice and financial obstacles did not prevent him from becoming a leader in the field of obstetrics and gynecology and a physician respected and appreciated by his patients and medical colleagues. Life smiles on him today, but he has not forgotten the road he travelled since his arrival in Quebec in the 1950s. The difficulties he experienced made him generous and ever ready to help. This altruism towards those close to him and all of Quebec society earned him the title of personality of the week in April from the paper *La Presse* and the Société Radio-Canada.

I offer my congratulations and sincere thanks to Dr. Tucker and to all persons of goodwill who have supported the Quebec Black Medical Association these past fifteen years.

[*English*]

THE LATE STEVE STAVRO, O.C.

Hon. J. Trevor Eyton: Honourable senators, I rise today to pay tribute to a man known by many as "The Honest Grocer." Steve Stavro, a member of the Order of Canada, passed away on April 24, 2006. Known for his love of sport, Steve made a mark for himself in both the business and sporting worlds.

Born in Gabresh, Macedonia, Steve and his family immigrated to Toronto when Steve was only seven years of age. In his early years, he worked in his father's grocery store and eventually moved on to open his own business. He developed such a talent for running his grocery store that he opened another, then another, then another and so on. These stores eventually expanded into a chain of grocery stores known as Knob Hill Farms.

While creating Knob Hill Farms, Steve never forgot his love of sport. For example, Steve was involved in the management of the Continental Soccer League, the International Soccer League, the Eastern Canada Professional Soccer League, the United Soccer Association and the North American Soccer League. As a result of this support and contribution to soccer in Canada, Steve was honoured as a life member of the Canadian Soccer Association.

Steve's passion for sport did not end there. He had another passion, a passion for horses. Steve once told me that he got into thoroughbred racing because he needed to find something that would fill in the hours between 4:30 a.m., when he was at the market pricing fresh goods for his stores, and 9 a.m. when his stores opened. What better way than to attend at Woodbine for the early morning workouts of his horses. Here, too, he had success because Steve bred and raced such champion horses as Benburb and Thornfield. Steve took pride in breeding and shaping his thoroughbreds as opposed to simply buying a winner.

• (1415)

Although soccer and horses were Steve's passions, it is difficult for a sports fan living in Toronto not to be a fan of the game of hockey. Steve's involvement with the Toronto Maple Leafs and, eventually, with the Toronto Raptors was solidified when, in 1991, he became Chairman of the Board of Maple Leaf Sports and Entertainment. He also became a governor of the National Hockey League and Chairman of the Board of the Air Canada Centre.

Honourable senators, Steve's list of accomplishments is long and admirable. Steve was a director of the Liquor Control Board of Ontario, a member of the Executive Committee of the Economic Council of Canada, a trustee of the Ontario Jockey Club, a founding member of the Canadian Federation of Independent Grocers and importantly, at least to me, a founding sponsor of Canada's Sports Hall of Fame; and the list goes on.

Steve Stavro's contributions to business and sport in Canada will not be forgotten. He was a man that followed his passions and a man of self-made success coming from hard work and determination. I invite all honourable senators to join me in honouring the life of Steve Stavro and in extending our condolences to his wife, Sally, who was such a great part of Steve's life adventures, and to his four daughters, nine grandchildren and two great-grandchildren.

THE HONOURABLE MARCEL PRUD'HOMME

CONGRATULATIONS ON RECEIVING HONORARY DIPLOMA BESTOWED BY THE FEDERATION COUNCIL OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION

Hon. Yoine Goldstein: Honourable senators, it is always a pleasure and an honour to this chamber when one of our members receives a special honour. I am privileged to report today that the Honourable Senator Marcel Prud'homme, a veteran of this chamber and of the other place in his time, has received the highest honour that the Federation Council of the Federal Assembly of the Russian Federation, the upper house of the Russian Duma, can bestow on a foreigner. He was awarded an honorary diploma from that council. The citation reads that the award is for long-standing, conscientious work and great contributions to the development of parliamentarianism.

About two weeks ago, the Speakers of both Houses of Parliament joined with Ambassador Georgy Mamedov of the Russian Federation to honour Senator Prud'homme for fostering a partnership between Canada and the Russian Federation.

Honourable senators will know that Senator Prud'homme and I do not see eye to eye about certain matters, and we will continue to have our differences in this respect, I hasten to add, because we are responding to our respective principles in this regard, which differ. Nevertheless, our very active discourse continues to be marked by civility and by politeness, as it should be.

Honourable senators, Senator Prud'homme's outstanding contribution to fostering both interpersonal and interparliamentary relationships with former parliamentarians does honour to him and to this institution. Please join me in congratulating our colleague Senator Marcel Prud'homme.

Hon. Senators: Hear, hear!

MEMORIAL CUP

CONGRATULATIONS TO QUEBEC REMPARTS

Hon. Jean-Claude Rivest: Honourable senators, the Memorial Cup is back in Quebec!

[*Translation*]

As we speak, Quebec City is welcoming the players of the Quebec Remparts, who won the Memorial Cup last Sunday. Of course, on the road to victory, it was relatively easy for the Quebec team to eliminate teams from Ontario and Western Canada. However, in the final game, we had to contend with an Eastern team, the Moncton Wildcats. As much as we appreciate and recognize the incredibly dynamic nature of our Acadian friends, we must not lose sight of the fact that this Acadian vigour and creativity was no match for the Quebec team.

I therefore ask all honourable senators, from the East and the West, as well as those from Ontario, to congratulate and recognize the undisputed superiority of these young hockey players from Quebec.

• (1420)

[*English*]

CYCLE FOR SPIRIT

Hon. Larry W. Campbell: Honourable senators, I rise to draw your attention to a worthwhile cause working its way across Canada — the Cycle for Spirit. Three staff members from The Keg Steakhouse & Bar are in the midst of cycling across Canada raising money for children's charities through The Keg Spirit Foundation.

Steve Fidler from Vancouver, Adrian Pusiak from Toronto and Jeremy Cummings from St. John's began their Cycle for Spirit in Vancouver on April 24 and will finish in St. John's in early August. They have already crossed three provinces and are currently in Winnipeg. I personally drove my vehicle from Regina to Ottawa and I am still tired. I cannot imagine what it would be like to ride a bicycle all the way from Vancouver.

These riders are not avid cyclists. They are ordinary Canadians who wanted to do something extraordinary. At the start of the ride, they set a fundraising goal of $150,000, and after five weeks they have already raised $75,000. One hundred per cent of the money raised through the Cycle for Spirit will go directly to charities through The Keg Spirit Foundation, a foundation that has donated more than $2 million to local charities since its inception in 2001.

For more information, you can visit www.cycleforspirit.com.

Honourable senators, I hope that you will join me in supporting the Cycle for Spirit. Please keep an eye out for the riders and welcome them to your provinces and your home towns wherever possible.

I personally commend Jeremy, Steve and Adrian for what they are doing and The Keg Steakhouse & Bar locations from coast to coast for their support of the many children's charities that will benefit from this incredible adventure.

INDONESIA

JAVA—EARTHQUAKE

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, it is important that Senators' Statements not pass today without noting the tragic circumstances that occurred near Yogyakarta on the island of Java in Indonesia.

We are told that between 5,000 and 6,000 people have lost their lives to the tragic earthquake and that some 200,000 are homeless. Canada has announced $2 million in aid. When the tragic events occurred in Aceh as a result of the tsunami, the number of dead and homeless continued to rise for some time. Canada's response to that tragedy was to increase the amount of support as their need increased.

Canada will be present in non-governmental organizations, and if specific assistance is requested of our government, I know that it will be provided.

I know that all senators join together in telling our Indonesian friends that we are deeply touched by their tragedy and that we will be there to assist them.

[*Translation*]

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2005 ANNUAL REPORT ON PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Privacy Commissioner's 2005 annual report for the period from January 1 to December 31, 2005 in accordance with the Personal Information Protection and Electronic Documents Act.

CONSTITUTION ACT, 1867

BILL TO AMEND—FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government) presented Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1425)

[*English*]

FIRST NATIONS GOVERNMENT RECOGNITION BILL

FIRST READING

Hon. Gerry St. Germain presented Bill S-216, an act providing for the Crown's recognition of self-governing First Nations of Canada.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator St. Germain, bill placed on the Orders of the Day for second reading two days hence.

FINANCIAL ADMINISTRATION ACT
BANK OF CANADA ACT

BILL TO AMEND—FIRST READING

Hon. Hugh Segal presented Bill S-217, an act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Segal, bill placed on the Orders of the Day for second reading two days hence.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Banking, Trade and Commerce, which was authorized by the Senate on May 2, 2006 to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades, be authorized to retain until July 31, 2006 all powers necessary to publicize its findings.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

> That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:00 p.m. today, Tuesday, May 30, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Honourable senators, I am prepared to explain the reasons for this exceptional motion.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

• (1430)

Senator Fairbairn: If it would comfort honourable senators, the reason for making this motion is that our committee has invited the National Farmers Union to appear, and witnesses have come from various parts of Canada. In addition, due to the technical requirements for broadcasting the meeting, we must be finished no later than 6:30 p.m., since the Fisheries Committee will be holding a meeting in the same room with the Minister of Fisheries at 7:00 p.m.

With that in mind, I am seeking the adoption of this motion and would move that the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:00 p.m. today, even though the Senate may then be sitting.

The Hon. the Speaker: It has been moved by Senator Fairbairn, seconded by Senator Joyal, that the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:00 p.m. today, Tuesday, May 30, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto. That is the motion before us.

Hon. Terry Stratton: Honourable senators, I can appreciate the concern offered by the chair of the Agriculture Committee. For quite some time now in this chamber, no exceptions were allowed to the rule that no Senate committee could sit while the Senate is sitting. However, the unofficial rule that we have followed is that there would be an exception only if a minister was appearing before that committee, and for no other reason. As has been said before, if the Agriculture committee wants to meet today, then my committee also wants to meet today, and then it spins out of control. Tuesday, in particular, is always a difficult day because senators never know when the Senate will end. The sitting could go on until quite late.

Committees have the additional burden of trying to line up witnesses, to no avail when the Senate sits late. When Senator Stollery was chairman of the Foreign Affairs committee, he would be pacing up and down eternally on Tuesday afternoons, waiting for the Senate to adjourn.

I am against this exception. The only way I would agree to such an arrangement is if a minister is appearing as a witness before the committee.

Hon. Joan Fraser (Deputy Leader of the Opposition): With respect, honourable senators, I do believe I recall occasions when exceptional permission was given for committees to sit while the Senate was sitting, even when it was not for the convenience of a minister.

The chair of the Agriculture Committee has explained that the committee is faced with two problems: First, it bumps up against timing for another committee if we want to broadcast this important hearing. Second, the hearing is indeed important. The National Farmers Union, given the state of agriculture in this country today, is an important witness, indeed. I do not think granting this permission would do violence to the principle, which I share, that in general committees should sit at their regular time of sitting, and not when the Senate is sitting. We do make exceptions in this chamber when we believe those exceptions are justified, and I would argue in this case that it is justified.

Hon. David Tkachuk: Is there a problem with the National Farmers Union not being able to stay until 5:30 or 6:00 o'clock, in the event that the Senate runs over time?

• (1435)

The Hon. the Speaker: Honourable senators, just so that we maintain order, typically that question would be addressed to the last speaker, who was Senator Fraser. However, if it is the will of the house, we will waive that because the chair of the committee has special knowledge.

Hon. Senators: Agreed.

Senator Fairbairn: Honourable senators, the problem we have today is that our committee is here and witnesses are present. It is not a difficulty in having them stay; the problem is that there is another committee following us that has a cabinet minister attending, the Minister of Fisheries and Oceans, and both committees will be in that room where the broadcasting takes place. We would like to start at 5 p.m. so that we could complete our work and permit the committee following us to proceed.

Hon. Larry W. Campbell: Honourable senators, with all due respect, an unwritten rule is nothing. If we wish to make a rule, we should make it. Given that it is unwritten, there is nothing that means that we are setting a precedent. What we are saying in this particular instance is that the committee is backing up onto another committee where there is a minister, and there is a reason for doing this.

I agree with honourable senators that this should not be the norm. I believe this is an instance where we could allow leave to be granted. If we want a rule, let us make it. If we do not, do not drag out the old unwritten rule concept.

Hon. Hugh Segal: Honourable senators, I am in the unamiable position of wishing to seek leave, notwithstanding rule 58(1)(a), for a similar matter with respect to the Foreign Affairs Committee. It might be helpful if we considered both of them at the same time.

The Hon. the Speaker: Honourable senators, the matter before us is the motion of Senator Fairbairn. Are there further speakers on this motion?

Hon. Marcel Prud'homme: Honourable senators, for the last 13 years I have objected to that practice.

First, I would like very much to thank the highly civilized Senator Goldstein for his congratulations. I was chairing the new election of Canada-Morocco, when Senator Dawson was elected co-chair and Senator Losier-Cool was elected vice-chair. Senator Comeau was elected vice-chair and secretary-treasurer. Senator Nolin was elected director, and Senator Cordy was elected director. That is for the Senate. I protect the Senate.

I thank Senator Segal for helping me in my reflection. Even though that is not the subject matter at this minute, he is about to ask for the same privilege. How do we choose? Look at how many people we have here from the government. If we start with this request, how can we say no to Senator Fairbairn, for whom I have the greatest admiration? Regardless of what she asks for, I would be inclined to say yes, as I have known her since the Trudeau days.

Therefore, I think the principle that committees should not sit should be upheld.

The Hon. the Speaker: The honourable senator has spoken on this motion. Does he have something else?

• (1440)

Senator Stratton: This is on another topic. It is a supplementary question to Senator Fairbairn. I do not agree. However, I would appreciate it if the honourable senator would respect the numbers on our side, should this committee meet.

The Hon. the Speaker: Honourable senators, if there is no further debate, are you ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: On division.

Motion agreed to, on division.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Hugh Segal: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

> That the Standing Senate Committee on Foreign Affairs have power to sit at 5 p.m. today, Tuesday, May 30, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted. Are you ready for the question, honourable senators?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: On division.

Motion agreed to, on division.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY SOFTWOOD LUMBER AGREEMENT

Hon. Pierrette Ringuette: Honourable senators, after making many requests and not receiving any answers, I give notice that at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;
>
> That the Committee analyze, among other things, the impact on Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers.

KYOTO PROTOCOL

GOVERNMENT POSITION—NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that on Thursday next, I will call the attention of the Senate to the stated intention of the Canadian Government to weaken the Kyoto Protocol and to dismantle 15 climate change programs, including the One-Tonne Challenge and the EnerGuide program.

ISSUES OF IMPORTANCE TO REGIONS OF ALBERTA

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that on Thursday next, I will call the attention of the Senate to issues of importance to the regions in Alberta, with particular emphasis on Grande Prairie.

• (1445)

QUESTION PERIOD

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM

Hon. Art Eggleton: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the Minister of Human Resources and Social Development met with her provincial counterparts, and from press reports I understand that the provincial counterparts are quite unhappy. Minister Higgins from Saskatchewan said, "We are not sure where they're going." Minister Chambers from Ontario said, "I am disappointed — very disappointed."

The Child Care Advocacy Association of Canada summed up what they meant when they said that this government does not understand the benefits of early learning and child care or how to develop it; an allowance to parents is not an early learning program for children.

Does the government not understand that this is not just about giving money to parents at $1,200 per year, it is about accessibility to quality child care spaces. Fourteen thousand spaces were created in Ontario thanks to the agreements that the previous government signed with the provinces. However, now, because the current government is reneging on those agreements, 11,000 more new planned child care spaces have been scrapped in Ontario.

These are actual spaces for children that parents can have confidence in. Does the government not see that the spaces were already being created, the money would give people a choice, and that we are now taking a step backwards?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. A simple answer would be that the Canadian electorate did not elect a new Conservative government to implement the failed plans of the previous government, or a child care plan that had actually delivered no child care spaces. There is an old saying: Nothing from nothing is nothing.

After 13 years of Liberal promises for child care and not delivering it, our government has taken action by introducing a universal child care plan. We are providing $3.7 billion over two years for the universal child care benefit which will provide all families with $100 per month for each child under the age of six, and we are also setting aside $250 million to actually create new child care spaces. The goal is to create 25,000 additional child care spaces each year.

Senator Eggleton: I beg to differ on the interpretation of the honourable senator in regard to what the Canadian population was voting for. More than 60 per cent of Canadians did not vote for the Conservative child care program. That is the no mandate. The introduction of the taxable $100 payment is also followed by a plan that sets out $250 million in incentives to help create new spaces. That smells like a plan that Mike Harris tried in Ontario. That program did not create a single space.

They then talk about a new consultation process, but the consultation has already taken place. There have been discussions with parents in recent years, stakeholders, provinces and territories. Those same provinces signed the agreement with the federal government for early learning and child care programs.

My question is: Why is the government moving backwards once again; cancelling a program that was moving forward and returning to a consultation program — that is my emphasis here — on child care when there has already been consultation?

Senator LeBreton: The honourable senator addressed this subject in a previous question when he spoke about the percentage of the Canadian electorate that did not support the Conservative party in the last election, as if that is a benchmark for legitimacy. If we were to follow that process, on the basis of the percentage of people that supported them, every election that Jean Chrétien and Paul Martin won would not have put them in a position to carry out any of their programs.

• (1450)

There is no question that some people have not supported our child care plan. I only need to make reference to the former minister Carolyn Bennett, who made the assumption on Mike Duffy's program, that it was a good job that we were putting more money into prisons because of our lack of support in early childhood care. That was a really insulting comment to make, since parents in this country are trying to make proper choices for child care.

Minister Finley has been forthright and definitive about our plan. She is consulting with the provinces. There has been widespread support for the initiative in the budget of $100 per month per child under the age of six. I believe most observers would acknowledge — child care advocates aside — that it is much better to put money directly into the hands of parents and not into the hands of advocates and bureaucracies or other governments. As has been said many times, parents are the best child care experts in the country.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT

Hon. Pierrette Ringuette: My question is to the Leader of the Government in the Senate. Yesterday, the House of Commons Committee on International Trade started hearings on the proposed softwood lumber agreement. Industry representatives from across Canada say the proposed deal is worse than the current situation. They all agree that if the deal goes ahead as planned, Canada will lose at least 20 per cent of the current jobs within the next 12 months.

Can the leader not understand that this is a dreadful political deal, and that we will lose jobs, mainly in rural Canada?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I believe that, as these negotiations go forward, there will be people who will have cogent comments and recommendations to make. However, it is clear that as the details are worked out with the stakeholders and the provinces, the view is that this softwood lumber agreement is far superior to anything we could have expected, and in particular, rather than having this issue drag on for another eight, nine or ten years with no resolution. We should let the process work its way through. In the end, the concerns of those involved in this issue will present themselves very well. I think the best possible solution will be the result.

SOFTWOOD LUMBER AGREEMENT— REQUEST FOR TABLING

Hon. Pierrette Ringuette: Honourable colleagues, the House of Commons and its Committee on International Trade is already hearing the concerns of the industry, thus reflecting on how futile this government renders the Senate under its secretive leadership. This is the fifth time I have asked: Will the Leader of the Government in the Senate table in this house the potential softwood agreement, put a dent in this culture of secrecy and refer the document for full study to the Standing Senate Committee on Banking, Trade, and Commerce?

Hon. Marjory LeBreton (Leader of the Government): I responded a couple of weeks ago to the question of the honourable senator about this document being tabled in the Agriculture and Forestry Committee. I will endeavour to obtain a copy and forward it to Senator Ringuette. Of course, I see that she has given notice of her own motion on the matter earlier today.

All this to say that there is nothing secretive or hidden about this agreement. Any documents that I am able to obtain, I will certainly table them here in the Senate.

Senator Ringuette: Does that mean that during the last three weeks since I have been asking the Leader of the Government to table this document, she has not made such a request?

Senator LeBreton: No, it does not mean that at all.

• (1455)

SOFTWOOD LUMBER AGREEMENT— ALLOCATION OF EXPORT CHARGES

Hon. Pat Carney: Honourable senators, we have been led to believe in various statements that any future export charges collected in the future would be returned to Canada, unlike the present agreement, where it goes to the American producers, and unlike the agreement I negotiated, where the money was returned to the provinces. The agreement that was tabled in the Senate committee is silent on this issue. I would ask the house leader, in order to contribute to the debate in this chamber, that she clarify where the funds will reside when they are collected in the future.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I will take that question as notice and I will specifically point out her direct request for knowledge of where the funds are going. I will be happy to provide that.

THE ENVIRONMENT

ALTERNATIVE FUELS—REQUEST BY IOGEN CORPORATION FOR LOAN GUARANTEES TO CONSTRUCT ETHANOL PLANT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is on the issue of the environment. As we know from the minister's responses earlier, this is an area where the government has not yet developed policy, except for targeting ethanol levels in alternative fuels and in terms of transit with respect to the reduction of the cost of transit fares.

One of the articles in the news over the weekend dealt with something that seems to be right down the government's alley, and that is the creation of ethanol from biofuels. Iogen Corporation is a company in the Ottawa area that has been very successful and it is looking for loan guarantees to proceed with the construction of a $260 million plant to create ethanol from biofuels; that is non-grains, but rather woodchips, straw and so on.

Would the minister tell us how Iogen Corporation is doing in terms of its request from the Government of Canada for loan guarantee assistance to build this very important plant?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator is quite correct that Iogen Corporation is located in Ottawa. I drive by it every day; it is on Hunt Club Road in the south end of the city. Iogen is a great Canadian success story. The success of Iogen was confirmed when it was featured on an energy program on CNN. On that show they looked north and featured the oil sands in Fort McMurray and Iogen in terms of future energy supplies.

With regard to the question of loan guarantees, I do not know the status of the request from Iogen, but I will certainly take the question as notice and respond as quickly as possible.

Senator Hays: As I said in my preamble, Iogen is readymade for the government's made-in-Canada initiative. It is another matter in terms of whether that initiative is adequate or not; we do not believe it is.

In terms of developing the technology in Canada as opposed to somewhere else, in particular the United States, I draw the attention of the minister to the U.S. Energy Policy Act of 2005, which is a formal way for that country to offer incentives for the commercialization of cellulose ethanol technology. That is specifically what Iogen proposes to proceed with, and if they do proceed, Iogen will be the only cellulose-based ethanol producer in the country.

Would the minister bring this matter to the Minister of the Environment to point out that this is a competitive environment and it is important for us to succeed? The government's policy in this area should move quickly if we are to be competitive with our neighbour.

Senator LeBreton: I will do what the honourable senator has requested. As we move forward in dealing with the global problem of climate change and our plans for a made-in-Canada solution, the case he makes is a valid one.

• (1500)

While we are dealing with the issue of climate change, I think Environment Minister Ambrose and Agriculture Minister Strahl have a unique opportunity, in terms of diversification and biofuels and ethanol to work together to find a solution to the problem of our future fuel reserves.

[*Translation*]

THE BUDGET 2006

POST-SECONDARY EDUCATION— INVESTMENT IN RESEARCH AND DEVELOPMENT

Hon. Claudette Tardif: Honourable senators, the government recently released its Budget 2006 along with a document entitled italic; Restoring Fiscal Balance in Canada, which talks about post-secondary education. The budget mentions that in today's knowledge-based economy, a more educated and skilled labour force is key to Canada's competitiveness in the world. Government investments in education and training are therefore critical to productivity and economic growth.

Given the intensive support that other countries provide for research and development as well as marketing, and given Canada's current productivity gap, why is the government not allocating more funding to this priority and showing more leadership on this issue?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I wish to thank the honourable senator for that question. It is a little premature, I believe, to be saying to a new young government that we are not showing leadership, especially if the honourable senator has been following the statements and the actions of Finance Minister Flaherty, when he is dealing specifically with the whole issue of productivity.

I hasten to add that the delivery of education is a provincial matter. However, as late as yesterday in a speech to the Board of Trade in Toronto,, Minister Flaherty talked about fiscal balance and areas where the federal government and the provinces can sort out their various responsibilities. He is focusing his attention and efforts on the issue of productivity and on technology and education.

[*Translation*]

Senator Tardif: Honourable senators, many countries invest heavily in research and development. The United Kingdom, for example, invested 10 per cent in research and development in the past year. Korea has promised to double investment in research in the next four years, and countries like China, India and Brazil support research very aggressively.

In Canada, why are our three research councils — the Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council of Canada and the Social Sciences and Humanities Research Council of Canada — entitled to an overall budget increase of only 2.5 per cent to 3 per cent?

[*English*]

Senator LeBreton: Thank you for the statement but I think that Canada through several governments of different political stripes, has been a world leader in research and development. I must say I wholeheartedly agree with the honourable senator's statement.

[*Translation*]

Senator Tardif: It was not a statement, it was a question. If we support productivity so much, why have we increased the budget for research by only 2.5 per cent? Support for indirect research costs has been reduced from 40 per cent to 27 per cent.

• (1505)

[*English*]

Senator LeBreton: I do not know what the honourable senator is relying on for her information, but I will take that question as notice and ascertain its factuality.

HEALTH

PROPOSAL TO CREATE MENTAL HEALTH COMMISSION

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. Three weeks ago, the Standing Senate Committee on Social Affairs, Science and Technology tabled its report on mental health and mental illness and addiction. One of the report's major recommendations was to set up a Canadian mental health commission. A national organization would do a number of things, but mainly it would work with stakeholders to create a national mental health strategy, and Canada is the only G8 country that does not have one. It would be a knowledge exchange centre to share information on best practices. In addition, it would be responsible for an anti-stigma campaign.

Senators Keon and Kirby presented the committee's proposal for the commission to the provincial Ministers of Health last October and were well received. In November, the federal Minister of Health of the previous government announced that

the federal government would establish a commission identical to the committee's recommendation. Is the current federal government committed to a mental health commission as outlined by the committee's report?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I could not agree more that this report was yet another outstanding study of the Standing Senate Committee on Social Affairs, Science and Technology on mental health, chaired by Senator Kirby, with Senator Keon as deputy chair.

I am well aware of the former Minister of Health's commitment during the election campaign. This issue was raised with the then health critic for the Conservative Party, Steven Fletcher. During the election campaign, we did commit to a mental health commissioner. I understand that the Minister of Health, Tony Clement, will meet with Senator Kirby and Senator Keon to work out the government's response to this timely report of the Senate Social Affairs Committee.

Senator Callbeck: Thank you for that answer. I am glad to hear that the federal government is committed to a commission. Did the leader say a "commission" or a "commissioner"?

Senator LeBreton: I said a "commissioner."

Senator Callbeck: I hope that it will be identical to the committee's recommendation.

The honourable leader mentioned that the Minister of Health will meet with Senator Keon and Senator Kirby. Could she give the chamber a time frame as to when that meeting might take place? When might some action on this report be expected?

Senator LeBreton: Far be it from me to organize ministers' schedules because I can hardly organize my own. There is no doubt that this serious issue has widespread, non-partisan support. Each one of us knows someone — family, friend or acquaintance — who suffers from the stigma of mental illness.

I will commit to pressing my colleague Minister Clement to clear his calendar quickly so that he can meet with Senators Kirby and Keon in respect of the committee's recommendations. Committees make many recommendations and I do not know whether, at the end of the day, each one of these specific recommendations will be implemented. However, I know that Minister Clement and the government are sympathetic and supportive of the overall thrust of the Senate study.

PUBLIC WORKS AND GOVERNMENT SERVICES

SALE AND LEASING OF PUBLIC BUILDINGS

Hon. Jack Austin: Honourable senators, my question is for the Honourable Michael Fortier, Minister of Public Works and Government Services.

• (1510)

The previous Minister of Public Works was advised by officials of his department and of the Treasury Board to consider the possibility of the federal government recapturing capital by putting public buildings on the market and then leasing them back. There appears to be substantial liquidity in the capital markets today and a number of possible investors would take positions.

Is the minister considering this particular policy?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I wish to thank the honourable senator for his question. As the honourable senator may know, this matter has indeed been studied by the department. I reviewed the RFP that went out last year and saw that it was trying to do a lot, which is why it failed. As the honourable senator knows, no one was able to qualify. Hence, the initiative unfortunately died.

I have been looking at this issue for a few weeks. It is clear that this is not only driven by what the markets can or cannot tolerate. It should also be driven by how much capital the government and the country is willing to put back into these assets. One of the big issues with these assets is that they are undercapitalized and they have been neglected for, I dare say, decades. We must address this issue, and we will be addressing it. We are studying various alternatives and will be making announcements when we are ready.

Senator Austin: Honourable senators, it is clear that the capital for repair and updating of federal property assets will come either from the Consolidated Revenue Fund or from the private sector as part of a package of offering these properties and requiring that, if acquired, they be brought up to certain necessary standards. However, liquidity may currently be easier to obtain than at other times. As the minister knows, these things move in cycles.

May I understand that the minister is giving active consideration to the possibility of at least some properties being placed on the capital markets?

Senator Fortier: Honourable senators, everything is on the table. I would not want to mislead the Senate by stating that we will be doing one thing rather than another. I will say that when considering the entire portfolio one must also take into consideration the issue that has been raised many times in this house by Senator Fox, which is the equilibrium in the National Capital Region in terms of where the real estate is situated. As honourable senators know, there is a disequilibrium vis-à-vis the Quebec side of the river. We are also in need of more space in the National Capital Region.

In addition to considering the buildings themselves and the ability of private capital to assist, I must keep in mind issues such as the need for extra space and the need to address this real estate imbalance that disfavours the Quebec side of the river.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the question raised by the Honourable Senator Dallaire on May 4, 2006, regarding

the location of new recruits that the Canadian Forces plan to enlist, and to the question raised by Senator Ringuette on May 9, 2006, regarding the impact on the Atlantic provinces and Quebec of free trade with Korea in the shipbuilding industry.

NATIONAL DEFENCE

LOCATION OF PROPOSED NEW RECRUITS

(Response to question raised by Hon. Roméo Antonius Dallaire on May 4, 2006)

At the present time, there are no plans to create a new brigade group in Gagetown.

A DND/CF team is currently developing options for accommodating the additional personnel that will come with the expansion of the Canadian Forces.

As promised during the election campaign, the government is committed to recruiting, training and equipping additional regular force personnel at CFB Gagetown. The new personnel will serve to fill out existing units at CFB Gagetown that have been left understaffed by previous government defence cuts.

As we move ahead with expansion, one of our key aims is to ensure that equipment, infrastructure, personnel and training are synchronized.

It is important to keep in mind that the expansion of the Canadian Forces will be a gradual process.

INTERNATIONAL TRADE

SOUTH KOREA—POSSIBLE FREE TRADE AGREEMENT

(Response to question raised by Hon. Pierrette Ringuette on May 9, 2006)

Canada launched negotiations for a free trade agreement (FTA) with Korea in July 2005.

FTAs help ensure Canadian companies are competitive in key markets vis-à-vis their foreign competitors. Other countries, including the United States, are aggressively negotiating FTAs, including with Korea. Canada has a similar interest in actively negotiating improved access to foreign markets.

The primary purpose of FTAs is to enhance economic prosperity through more open competition that results from reduced barriers to trade and investment. However, this also inevitably creates certain areas of sensitivity for both parties.

The challenges facing the shipbuilding sector arise from a range of factors, and even with the 25 per cent most-favoured nation (MFN) tariff in place, employment in the sector has declined over the past decade.

In respect of a potential Canada-Korea FTA, however, while Korea's shipbuilding industry does produce across a full spectrum of the market, and tariff reduction could increase Korea's ability to compete with Canadian shipbuilders, there are a number of factors that are expected to mitigate the impacts resulting from tariff elimination.

First, Korean and Canadian shipbuilding industries primarily focus on different market segments. Korea's major yards focus production on building larger, higher value-added vessels while Canadian yards are oriented towards the building of smaller vessels.

Second, Canadian sensitivities in the shipbuilding sector will be addressed through FTA provisions specific to the industry. These may include longer phase-out periods for the most sensitive types of vessels and product-specific rules of origin. Such provisions will be developed in close consultation with domestic stakeholders, including the Canadian shipbuilding industry, provinces and territories.

Third, Canada will not open up its procurement market in shipbuilding in the context of a Canada-Korea FTA. Consequently, federal and provincial departments and agencies will continue to have the option of restricting their tenders to Canadian yards for the purchase or lease of vessels. Government procurement has generally represented a major share of the new-build business for Canadian industry.

It should be noted that the government consulted extensively with Canadians across all sectors of the economy, as well as provincial and territorial governments, prior to launching negotiations with Korea. The vast majority of responses have been positive, including from agricultural and other natural resources sectors, as well as some manufacturing and services areas. We continue to actively engage stakeholders to ensure that their interests and concerns are taken into consideration in our negotiating positions.

Korea is an important trade and investment partner for Canada. Our two countries traded $8.2 billion in 2005, while bilateral investment was over $1 billion in 2004. Building on this strong relationship, an FTA with Korea has the potential to deliver significant commercial benefits across a wide range of the Canadian economy, including: fisheries, agriculture, machinery and equipment, and financial and professional services.

In addition, an FTA with Korea would create a secure and more predictable investment climate in Korea for Canadian business and would help attract Korea investment in Canada. It could also open doors for Canadian businesses in other key markets in the region such as China and Japan. Intra-regional trade has been growing exponentially, and Korea could be used as an entry point to this vibrant economic region. Further information is available on the "Trade Negotiations and Agreements" website of the Department of Foreign Affairs and International Trade.

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I have a ruling regarding the question of privilege raised by Senator Ringuette.

On Wednesday, May 10, Senator Ringuette gave notice of a question of privilege under Senators' Statements. The adjournment of the sitting at 4:00 that day kept the Senator from presenting her question of privilege at the conclusion of Orders of the Day. As a consequence, the Senator was not able to present her case until the following day. Senator Ringuette claimed that the Leader of the Government misled the Senate in explaining her absence from Question Period, May 2. It is Senator Ringuette's contention that this account is contrary to certain evidence she had since collected. This assertion was denied by the Leader of the Government, who stated that her absence during part of the sitting that day, including Question Period, was because of a Cabinet meeting.

• (1515)

[*English*]

After hearing different views on this matter, I agreed to take it under advisement. I am prepared to declare my ruling.

Let me begin by stating that there is no prima facie basis to support a question of privilege. In my opinion, this case is the result of a misunderstanding or miscommunication. I heard nothing to persuade me that what happened breached privilege or involved contempt since the misunderstanding was neither intentional nor deliberate.

In making her case, which she was careful to identify as a contempt, Senator Ringuette assumed that the cabinet meeting took place at the same time as Question Period in the Senate which, as it happened, overlapped Question Period in the other place, making a cabinet meeting at that time unlikely. For her part, the Leader of the Government in the Senate explained that Question Period in the House of Commons is held at a fixed time, from 2:15 p.m. until 3:00 p.m. She also advised that the meeting of the cabinet committee started shortly after 3:00 p.m.

[*Translation*]

There is no rule that prohibits the Government Leader from leaving the Chamber to attend to Government business. The statement made by Senator LeBreton concerning her activities does not affect the authority or dignity of the Senate, nor did it impede the Senate or Senators in the performance of their duties. As well, the Senator's explanation did not purposely mislead or deceive, which is a necessary condition to establish a charge of contempt as noted in Beauchesne's, 6th edition, cit. 62 at page 19. In the end, it seems obvious that there was a misunderstanding as to certain facts. It seems to involve nothing more than that.

[*English*]

Questions of privilege and contempts are intended to deal with genuinely serious matters. The privileges of Parliament are not a sword to assault the rights of others, but a shield to protect Parliament and its members in the fulfillment of their duties and responsibilities. Rule 43 states, in part:

> The preservation of the privileges of the Senate is the duty of every Senator.
>
> A violation of the privileges of any one Senator affects those of all Senators and the ability of the Senate to carry out its functions outlined in the Constitution Act, 1867.

Among the privileges that we must be vigilant in preserving are freedom of speech and control over our proceedings and deliberations. Similarly, contempts allow the House, the Senate or the House of Commons, to vindicate its authority and dignity when challenged.

[*Translation*]

Procedures have been incorporated into the *Rules of the Senate* to "fast track" the consideration of possible questions of privileges and contempts. Criteria have been established that I, as Speaker, must use in evaluating the prima facie merits of any question of privilege or contempt. These rules and procedures are also meant to provide guidance to Senators when they consider whether an issue should be treated as a possible breach of privilege or a contempt.

I do not believe that rule 43 should be used to address a simple complaint or grievance, especially when it is the result of a misunderstanding. It does not meet the threshold required for a question of privilege or contempt. Such disputes do not "directly concern the privileges of the Senate or its committees" nor are they "raised to correct a grave and serious breach".

[*English*]

ORDERS OF THE DAY

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

BILL TO AMEND—THIRD READING

Hon. Wilbert J. Keon moved third reading of Bill S-2, to amend the Hazardous Materials Information Review Act.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jack Austin moved second reading of Bill S-215, to amend the Income Tax Act in order to provide tax relief.—(*Honourable Senator Austin, P.C.*)

He said: Honourable senators, Bill S-215, which I introduced at first reading on Wednesday, May 17, is a private member's bill to amend the Income Tax Act. As honourable senators know, this is the second private member's bill I have introduced in this chamber in recent weeks. The last one, Bill S-212, which was identical to this bill but included two other clauses, was ruled out of order by the Speaker on May 11. Happily, in his ruling the Speaker noted that had the bill only contained the clauses now contained in Bill S-215, he would have ruled it in order, so we can debate this bill without worry that it is in any way beyond our constitutional jurisdiction.

I am content to drop the contentious clauses. They would have helped families with children who have disabilities by increasing the maximum annual child disability benefit to $2,300, starting in July 2006, and they would have helped low income working Canadians with high medical- and disability-related expenses by increasing the maximum amount of the refundable medical expense supplement from $750 to $1,000 for the 2006 taxation year.

As honourable senators will recall, I introduced Bill S-212 on April 26. On May 2, the Minister of Finance in the Conservative government presented his government's budget to Parliament. I am happy to say that both of these clauses were reflected in the budget. It is with a light heart that I set those aside, knowing that my objective has been achieved. However, I cannot say the same for the other two issues and, therefore, I have tabled this bill before.

Last November, in the economic and fiscal update, the then Liberal government, of which I was a proud member, reduced Canada's personal income taxes, tax cuts that all Canadians recently saw concretely as they filed their tax returns — tax cuts that let all working Canadians keep more of their hard-earned cash. The new Conservative government of Stephen Harper announced — and this was confirmed in the budget — that it will raise income taxes, rolling back the tax cuts we introduced in order to pay for the proposed GST reduction. These changes to Canadian payroll deductions will become effective July 1, 2006, the time when many Canadians normally see their paycheques get a little fatter because of the end of the EI and CPP contributions.

Honourable senators, these tax cuts are helping all Canadians, especially those Canadians in the lowest income bracket. We cannot sit idly by as the Conservatives raise income taxes, hitting hardest at those who most need the tax breaks. My bill would enshrine in the legislation the following tax cuts from last November: first, a permanent cut in the tax rate for the lowest tax bracket, that is, for income under $35,595, from 16 per cent to 15 per cent; second, a $500 increase for the personal exemption that is defined as the "basic personal amount" for 2005 and a further $200 increase in 2006.

During the election campaign, the Conservative Party said they wanted to cut taxes in such a way that would help families, seniors and young people just getting started in life. They said that they wanted to "help everyone deal with the rising cost of living, put money in peoples' pockets and spur the economy immediately." If this is their objective, honourable senators, then the Conservative government should now joyfully embrace my private member's bill. The economics are clear: The best way to achieve these laudable goals is to cut personal income taxes.

I will elaborate. The issue, as we all know, is that the Conservative government of Stephen Harper is committed to cutting the GST by 1 per cent immediately and then by a further 1 per cent over the next five years. They have estimated that the federal tax revenues lost by cutting the GST would be $32.3 billion over five years. However, to be able to afford this GST cut, the government has said it needs to raise personal income taxes for Canadians, to roll back the tax cuts introduced in November.

In the May 2 budget, we saw how the government planned to do this. I am happy to tell honourable senators that the government backed off its original statements and did not completely cancel the Liberal tax cuts. Evidently, we in the opposition, economists across this country and the Canadian people generally were successful in persuading the government that the plan was terrible economics for the country and would impose great hardships on many Canadians, especially lower income working Canadians. Instead of raising the tax rate for the lowest income bracket to 16 per cent, as the Prime Minister had suggested would happen, the Conservatives have raised it to 15.5 per cent and made it effective as of July 1, 2006. In other words, not being mean-spirited in a way that would claw back tax savings already in the hands of Canadians, they have provided that relief. A newspaper had earlier reported that the Canada Revenue Agency was ready to doubly increase the payroll deductions for July through December 2006 if required to implement the Conservative plan and to claw back the savings enjoyed from January through June. Happily, it appears now that will not be necessary.

The Harper government was quite upfront about raising this tax rate to 15.5 per cent. They were not quite so straightforward about their plans for the basic personal amount or basic personal exemption, as many of us think of it. As honourable senators know, the Liberal government had a plan in place to raise the basic personal amount to $10,000 by 2010. In the November economic and fiscal update, we announced that we were going to accelerate the increases to reach that goal. In particular, we put in effect a raise for 2005 of $500 and a further raise for 2006 of $200. These increases helped all Canadians, but especially low-income Canadians.

• (1530)

What did the Harper government do with these tax cuts to help them afford the GST cut for the high spenders? They were rather disingenuous about this one, honourable senators. In the budget speech and the pamphlet entitled — in my view, misleadingly — *Helping Individuals and Families*, the Harper government claimed that they were:

> ... increasing the basic personal amount — the amount that an individual can earn without paying federal income tax — so that it grows each year and remains above currently legislated levels for 2005, 2006, and 2007.

Buried deep in the budget documents, at page 218 of Annex 3, is the real Harper plan. It is not worded — surprise, surprise — in quite the same clear language as the pamphlet, and tells a different story as follows:

> The basic personal amount — the amount that an individual can earn without paying federal personal income tax — will be increased by $500 to $8,648 for the 2005 taxation year. For the first half of 2006 it will then be increased by indexation plus a further $200, for a total of $9,039. The basic personal amount will be reduced by $400 to $8,639 on July 1, 2006 at the same time as the GST rate is reduced.

When you read on, you learn that their plan does reach the Liberal goal of a $10,000 exemption by 2010, but by loading most of the increase way off in 2009 when the basic personal amount "will be increased by indexation plus the greater of $600 and the amount required to raise the basic personal amount to $10,000."

While it is literally true that the "currently legislated levels" of the basic personal amount will be raised by this budget, that is only because the Conservatives brought down the Liberal government before we could introduce legislation making permanent the increases we put in place last November through a ways and means motion. The facts are clear: The Conservative government of Stephen Harper is reducing the basic exemption, thereby raising taxes and forcing more low-income Canadians to pay tax who are now exempted because they earn too little. This is bad public policy and wrong, honourable senators.

I am not alone in noticing the sleight of hand by the Harper government. Dale Orr, described by *Maclean's* as "the top Canadian economist with the international forecasting firm Global Insight" on May 23 last, published a report on Budget 2006, which he entitled "Budget 2006, Real Tax Relief Much Less than Advertised."

Honourable senators may remember the name Dale Orr. The Conservatives relied on him during the election as endorsing their platform, even though that endorsement was tepid at best. He was quoted in news reports during the federal election as saying that the Conservative platform added up, although he cautioned that the promises had not been fleshed out, the wording in the platform was too vague to allow a reasonable costing, and a lot more detail was required. We have that detail now. I am sure my Conservative colleagues opposite will be equally quick to accept Mr. Orr's views today as they were during the campaign. In his report last week on Budget 2006, Mr. Orr said the following:

> The changes to the lowest marginal rate and to the basic personal amount indeed provided tax relief from *currently legislated* rates — but they were actually tax increases relative to the rates *currently in effect*. More pointedly, the impact of Budget 2006 was to make the lowest marginal rate higher than it otherwise would have been as well as to make the basic personal "taxfree" amount less generous than it otherwise would have been for the entire period covered by Budget 2006. By carefully referring to changes from *currently legislated* levels, (generally those of Budget 2005, February 2005) as opposed to the tax levels *currently in place* — and those which would have remained in place in the absence of Budget 2006, Budget 2006 was able to claim "tax relief" when it was actually raising taxes!

Mr. Orr looked at the impact of the budget's proposed changes to the lowest marginal tax rate. He concluded as follows:

> *(I)n the case of the lowest marginal rate, Budget 2006 reported "tax relief" of $1.670 billion, when more appropriately they should have reported a tax increase valued at $1.030 billion.* For 2007-08, they more appropriately should have reported a tax increase valued at $1.370 billion instead of "tax relief" of $1.370 billion.

Honourable senators, this is the government that was elected on a promise of transparency and accountability, but perhaps the meaning of those words is evolving under Prime Minister Harper's leadership.

With respect to the changes to the basic personal amount, Mr. Orr noted the following:

> Budget 2006 claimed "about 665,000 low-income Canadians will be removed from the tax rolls altogether." About 350,000 of those 665,000 were estimated to be removed because of the "tax relief" on the Basic Personal Amount provided by Budget 2006. (The Canadian Employment Credit and Pension Income Credit remove about 300,000 people from the tax rolls.)
>
> As noted above, Budget 2006 didn't really provide tax relief on the BPA. Budget 2006 actually caused the BPA to be only $8,839 for 2006 when it otherwise would have been $9,039. Rather than the change in the BPA of Budget 2006 removing about 350,000 Canadians from the tax rolls altogether, the change in BPA of Budget 2006 will actually cause about 200,000 Canadians, who thought they wouldn't be on the tax rolls in 2006 (at a BPA of $9,039) to be pushed back onto the tax rolls. What the Finance Minister did not say in presenting Budget 2006 was, "Mr. Speaker, with this *reduction* in the tax free amount from current levels, I have today pushed about 200,000 of the lowest income Canadians back on to the tax rolls." That wouldn't have had a very nice ring to it!

That is the end of my quotation from Mr. Orr. I find his arguments compelling.

Honourable senators, the budget tries to link these tax increases to the implementation of their famous GST cut. I will address the merits of that trade-off, but first I want to briefly anticipate one argument that may be made by honourable senators opposite on this issue, namely, that the Conservatives have cut back on the basic personal amount but included a new $500 Canada Employment Credit — which is really $250, since it is being introduced in July 2006 — and which will be raised to $1,000 in 2007.

Recognizing work-related expenses of employees is a laudable idea but is no substitute for the basic personal exemption. The Conservative Party of Prime Minister Harper said, as I quoted earlier, that they would cut taxes in a way to help "families, seniors and young people just getting started in life." However, honourable senators, it is far from clear that the traditional 1950s company employment model is accurate today, or a realistic model of the Canadian labour force of the 21st century. According to a 2005 Statistics Canada report, temporary

employment, including contract workers, seasonal workers and casual employees, increased almost twice as rapidly as permanent employment in recent years, despite economic growth and good economic conditions.

I was particularly interested to note that 40 per cent of temporary employees were between the ages of 15 and 24, and nine per cent were workers 55 and older. Neither statistic is or should be surprising. Temporary work is a good transition, whether into retirement for older workers or into the labour force for younger people.

• (1540)

However, it is far from clear to me the extent to which these new young workers and senior citizens will be able to take advantage of the new employment credit. I do know they would benefit 100 per cent from an increase to the basic personal amount.

I include that only in anticipation of what honourable senators opposite may have argued with respect to the Harper cut in the basic personal amount. We know, because it is explicit in the budget, that this government is linking the cut to its GST promise.

Honourable senators, I am not against cutting the GST, although it is not the direction I believe tax policy should take. I am proud to say that the Liberal governments of the past decade have left the finances of this country in better shape than they have ever been, with eight successive surpluses. I believe we can afford both the GST cut and all the Liberal income tax cuts; but if indeed, as Stephen Harper has suggested, a choice is required, then to me and most Canadian economists, the personal income tax cuts are the better way to go.

During the election, *CBC News* reported the views of a number of economists. Several economists with institutes that usually line up right behind the Conservative Party on this issue — at least at that time — were prepared to go on the record disagreeing with the Harper plan. Bill Robson, Senior Vice-President of the C.D. Howe Institute, told *CBC Newsworld*:

> From an economic point of view, it [the GST cut] wouldn't be my first choice.

He continued:

> If you want tax cuts that are going to promote work, going to promote saving, help us invest more and raise living standards in the future, the GST is not the tax you would go after.

According to the CBC, Robson said it would be better to cut personal income taxes. After the election, with the Conservative government taking office, the C.D. Howe Institute issued qualified reports finding some justification for the GST policy of the Conservative government.

Jason Clemens, an economist with the Fraser Institute, said he opposed cutting the GST. Jim Davies, who teaches economics at the University of Western Ontario, also said he would prefer income tax cuts. On the Conservative proposal, he said, "Stupid, stupid, stupid, stupid."

David Douglas Robertson, a tax specialist with a Toronto law firm, wrote an extensive article on "Why Cutting the GST is the Wrong Choice for Canadians." Herb Grubel is a well-known economist and former member of Parliament for the Reform Party. His views on fiscal matters were held in such high esteem by that party that he served as their finance critic. Mr. Grubel said:

> Cutting the GST rather than business or personal income taxes may be good politics but it is definitely very bad economics.

Honourable senators, I would add that it will be "good politics" only until Canadians realize that it is bad policy.

This theme was picked up in an editorial of April 25, 2006, in *The Globe and Mail* and further developed in a column on April 26 by Jeffrey Simpson, under the title, "Great politics, lousy policy, but who gives a hoot?" I recommend honourable senators read these two short items for a good summary of the issues.

As my colleague Senator Bryden reminded us in his speech in reply to the Speech from the Throne, the current Finance Minister, the Honourable Jim Flaherty, certainly used to share Mr. Grubel's view. In November 2001, when he was Minister of Finance in the Ontario government, he said it would be a mistake to cut the GST because:

> ...all you get is a short-term hit, quite frankly... It has no long term positive gain for the economy.

He also said that he was not interested in such "short term, knee-jerk actions."

I appreciate the views of these economists and commentators, honourable senators, but I must tell you that my biggest concern is for low and lower middle-income working Canadians. Prime Minister Harper was reported in the press recently as boasting that the GST cut is a good measure because it benefits everyone, "including those who have modest or low incomes." The facts, however, are quite different.

I referred to David Douglas Robertson, a partner with Fasken Martineau, a prominent national law firm, who practises tax law and tax litigation, and is a specialist in sales tax, including the GST. He analyzed the choices and crunched the numbers. His findings, which he set out in his paper dated March 24, 2006, were revealing, stark and, for me, frightening.

After seeing the budget, I called Mr. Robertson and asked about the impact of the 0.5 per cent increase in the lowest marginal personal income tax rate. He kindly ran the numbers and sent me the results.

Honourable senators, most necessities of life are not subject to the GST. That was something many of us in this chamber remember fighting very hard for some years back to achieve. Rent and mortgage payments are not subject to the GST. Groceries are not subject to the GST. Prescription drugs, health care services, tuition, child care, insurance, loan payments — none of these are subject to the GST.

Robertson found that a person with a taxable income between $22,000 and $50,000 would have to spend more than half of his or her disposable income exclusively on goods and services that are subject to the GST — in other words, on things other than rent, groceries and health care services — to derive the same benefit from the GST cut that they would from the personal income tax cuts provided in the November 2005 fiscal and economic update.

Let me quote some concrete examples from Mr. Robertson's paper. Let us take a married couple with no children whose annual family income is under $12,500. The C.D. Howe Institute apparently wrote that such a family would save $141 annually through Mr. Harper's 1 per cent GST cut. However, as Mr. Robertson points out, to save that kind of money the family would have to spend $14,100 every year on GST-taxable goods and services. That is $1,600 more than their annual family income. That would be over and above their spending on food, rent and other non-GST items.

Honourable senators, it is all fine and well for Prime Minister Harper to say that the GST tax cut would apply to everyone, but that is an abstract truth only true in a rarefied academic consideration of the issue at best. In the real world, people worry first about putting food on the table for their families. They worry about paying to have a roof over their heads; they worry about paying for medicine for themselves and their children; and they worry about putting their kids through college so they can get a better start in life. These are the real priorities.

Robertson's numbers are very clear: These families will not see much benefit from the Harper government's 1 per cent GST cut. They are, however, benefiting from the personal income tax cuts introduced in the November 2005 update, and that this bill would make permanent.

A person with a taxable income of $10,000 would have paid $80.29 in federal income taxes in 2007 under the Liberal November tax cuts. Under Harper's budget, the same person will have to pay $113.96 in federal income taxes. By the way, I am using 2007 because of the intricate changes the budget would make to the basic personal amount in 2006, raising the amount in January and then lowering it even more in July; 2007 seems simpler.

Honourable senators, that is a significant tax increase, yet how much will a person realistically benefit from the 1 per cent GST cut? How many new cars does one expect a low income working Canadian with a taxable income of $10,000 to buy?

Jack Mintz and Finn Poschmann of the C.D. Howe Institute recently wrote an article in the *Financial Post* in which they tried to attack Mr. Robertson's numbers and conclusions. In essence, they argued Mr. Robertson is wrong because he ignores statistics from Statistics Canada that suggest many low-income Canadians actually spend more than their income in a given year. They go into debt. As a result, the C.D. Howe Institute concludes these people will benefit from Harper's GST cut.

Honourable senators, we must apply some common sense to this debate. Should Canadian public policy encourage our lowest earning citizens to pile up more debt? Once again, please remember that the items that carry the GST are the non-necessities of life. Many economists have condemned the Conservative policies for not encouraging Canadians to save. This policy will do the opposite; it will encourage the least able to afford luxury goods to buy them, even going into debt to do so.

The real truth of the Harper government's GST tax cut is that it will benefit the wealthy. It will help them to buy luxury goods that most Canadians cannot afford. Remember, honourable senators, to benefit each year from the GST cut, one would have to buy an expensive item, not just once every few years, but literally every year. One would have to buy a new Lexus or Porsche every year to benefit from this cut.

• (1550)

Honourable senators, I may be one of those who, no doubt, can take advantage of this windfall. I am very fortunate, and can afford the high ticket items that will carry significant savings from a 1 per cent GST cut, but even I will have trouble buying enough every year to truly make the tax cut translate into significant tax savings for me. Note this point: The tax savings of people like me will be at the expense of those low income Canadians who need the tax savings much more.

An Hon. Senator: Shame.

Senator Austin: This policy upsets me. By raising personal income taxes on the lowest tax bracket, even though it is now only a 0.5 per cent increase rather than the full 1 per cent increase we all expected and feared, the government is asking those working Canadians at the bottom of the earning scale to subsidize those at the top end as they buy their expensive new cars, build fancy new homes and purchase plasma TVs.

In his article, Robertson also pointed out that the Liberal cuts to personal income taxes meant all the money — 100 per cent — went straight into the pockets of individual Canadians. By contrast however, a GST cut must be shared by individual Canadians and those industries that are so-called "exempt suppliers" under the GST regime. According to Statistics Canada, only 83 per cent of GST revenues are from individual Canadians. The rest are from banks, insurance companies, and landlords, to name a few. Cutting the GST by $32.3 billion will put at most $26.81 billion in the hands of Canadians, $2.58 billion would go to banks, insurance companies and other financial institutions. Almost $1 billion would go to residential landlords.

My Conservative colleagues may argue that these wonderful, upstanding corporate citizens will of course pass on their savings to consumers; the trickle-down theory so popular with Conservative philosophy. Honourable senators, do you think Canadians will truly expect bank service charges to drop as a result, or is it more likely that tax savings will find their way into increased profits to finance the banks' bottom line?

Mr. Robertson notes that only the savings from personal income tax cuts is guaranteed to make it into the pockets of individual Canadians. With every paycheque, the tax savings go directly into the individual's pocket, and he or she has the additional cash, regardless whether the person chooses to save it,

invest it, pay down a mortgage or debt, or spend it on personal consumption. With a reduction in GST, a person does not get extra money; they only benefit if they spend their money on those products and services that are subject to the GST.

The Harper budget has improved matters from what the Conservatives had originally said. He is keeping some of the Liberal tax cuts, but still raising income taxes on the lowest tax bracket. The tax cost to most individual Canadians is $150. To get that back, as Robertson's numbers demonstrate clearly, individual Canadians with taxable income — that is taxable income, not gross income — up to $50,000 will have to spend more than half their after-tax income on GST-taxable goods and services. The choice is $150 guaranteed in your pocket — from the personal income tax cut set out in my bill — or pay an additional $150 in federal tax and then see whether you spend enough to get the $150 back.

Honourable senators, Mr. Harper proclaimed loudly and frequently during the election that his was the party of choice for Canadians. Unlike those evil Liberals who seek to tell Canadians what to do, he would give Canadians their money and let them choose.

When you look closely at his policies, however, the truth is different. His choice in child care is in fact no choice, as the questions from Senator Eggleton earlier today made clear. Here the tax policies are clearly skewed to encourage spending on certain items at a time when economists agree that stimulating consumer spending is the wrong way to go and can encourage inflation with higher interest rates as a result.

Robertson is also highly suspicious that many businesses will not pass on the 1 per cent GST saving to their customers. Over time, he believes the cut will simply be absorbed into a higher ticket price. Particularly for items that are priced with the tax included, he believes many businesses will simply take the money as increased profits, if not immediately then over time. He gives the examples of movies, gasoline prices tickets and taxi fares. Then he address the big items, things that many of us would assumed would carry a savings. Let me quote from his article:

> Consider big-ticket items like motor vehicles and new houses. It has been suggested by some commentators that reducing the GST by 1 per cent will save Canadians on the price of a new car. For example, if the price of the car is $40,000, then a 1 per cent reduction in the rate of GST will save the purchaser $400! With respect to those commentators who have used such examples, they have clearly never purchased a vehicle or a new home.
>
> When the average Canadian purchases big-ticket items like a vehicle or a new home, the question the vendor discusses with the purchaser is not "what is the selling price before adding on the GST". The issue discussed is "how much can you afford." The negotiations that take place aren't based on a "taxes not included" basis, but rather on a "what's the total — all taxes and surcharges included — price" or even more likely —"How much can you afford to pay for a month". In that type of negotiation, a 1 per cent reduction in the GST could be either a $400 savings to the customer or an additional $400 in profit for the car dealer, depending, of course, on who has the stronger negotiating power and who is the better negotiator.

Mr. Robertson is not alone in concluding that the Conservative GST cut is disproportionately skewed to help the wealthy at the expense of low- and middle-income Canadians. The Canadian Centre for Policy Alternatives recently published a study in which they concluded that 15.6 per cent of families with the highest incomes — that is over $100,000 — will get over 37 per cent of the tax relief, while 48.6 per cent of Canadian families with the lowest incomes — that is under $40,000 — will receive only 23.3 per cent of the benefit.

Honourable senators, it is interesting to note that, as reported by *The Globe and Mail*'s Report on Business of Monday, April 24, 2006, officials of the Department of Finance advised against the GST cut and in favour of their advice to the Martin government that income tax cuts were preferable from an economic policy point of view.

As the report states:

> Canada raises more of its revenue as a share of GDP from personal and corporate income taxes than any other G7 country. Correspondingly, Canada raises relatively less tax revenue from consumption taxes, the tax that least damages productivity and the standard of living.

The report of the finance officials continues:

> While Canada's personal and corporate income tax burdens are the highest among G7 countries, the broader trend favours consumption taxes. Of all OECD countries with a value added tax, Canada has the second lowest rate.

Honourable senators, economists strongly favour consumption taxes over income taxes or levies on business. As *The Globe and Mail* reports:

> They consider consumption taxes such as the GST, the least evil among taxes because they are the least damaging to economic growth. The consensus is that other taxes on personal or business income or corporate assets, are far more harmful in terms of dulling the incentive to work, save and invest.

Honourable senators, the Liberal government of Paul Martin followed the sound advice of the finance department and cut income taxes and increased benefits to low income Canadians. The Harper government has made a flashy political promise to lower the GST instead and to cancel the Liberal income tax cuts and raise personal income taxes.

Honourable senators, the Liberal governments of the past decade worked hard to improve the economic position of low-income Canadians. I, like all of you, I am sure, was delighted to see the recent Statistics Canada report that fewer Canadians slipped into low income in 2004, while more were able to climb out. To quote from the report:

> Using new income data from 2004, the study showed that only 3.3 per cent of Canadians who were not living below Statistics Canada's low-income cut-off in 2003 had slipped into low income in 2004. This was a much lower rate than a decade earlier.

Honourable senators, allow me to remind you that a decade earlier was shortly after a decade of the Conservative government of this country. To continue:

> About 5.5 per cent of Canadians who were not in low income in 1993 fell into it by 1994. By 1998, the proportion of those entering low income dropped below 4 per cent.

> At the same time, one-third (34 per cent) of individuals living below the LICO threshold in 2003 had climbed out of low income by 2004. A decade earlier in 1994, the proportion of individuals who had exited low income was only about 28 per cent.

Honourable senators, I fervently hope that this Conservative government does not repeat the choices of the Mulroney Conservative government.

• (1600)

Senator LeBreton: Free trade, GST.

Senator Austin: This proposed tax policy does not bode well, but there is still time for Prime Minister Harper to recognize his mistake and correct it by keeping the Liberal personal income tax cuts.

Conservative senators will remember my quotation of former premier of British Columbia, W.A.C. Bennett, who was in power for more than 20 years because, he said, he ran a good-second-look government. Honourable senators, in the interest of low-income Canadians, please take another look at the budget and adopt Bill S-215.

All honourable senators are aware of the terrible income disparity gap south of the border between the rich and the poor in American society. Perhaps the Harper government is standing in envy of the economic policies of the Bush administration in the U.S., or perhaps they actually believe in deficit financing but are simply not explaining their policy to the Canadian people. I must tell this chamber that I am not alone in remarking this irony. The Conservatives try to present themselves as the party of fiscal prudence that will lower taxes, be judicious with spending to avoid deficits and, in fact, pay down the debt. They paint Liberals as evil spendthrifts who tax and spend and drive deficits ever higher, but the facts are different. Time and again — not only here, but also provincially; just ask any Ontarian who remembers the legacy of hidden deficits from the Tory government of which Mr. Flaherty was a member —

Senator Angus: Ask Bob Rae.

Senator Gustafson: What about David Peterson?

Senator Austin: I am talking about the former government of Grant Devine, which Senator Tkachuk served. Let us talk about deficits. That government had to scurry to the government of Mr. Mulroney to save it from bankruptcy.

Honourable senators, the Conservative government under Brian Mulroney left the worst GDP-to-debt ratio in the history of this country, except during wartime. Now, Prime Minister Harper has the audacity to berate the Liberal government of the past decade for its success in turning around the fiscal mess that the Conservatives had left us.

Senator LeBreton: Trudeau did.

Senator Austin: Honourable senators, I am reminded of an old story referring to Prime Minister Louis St. Laurent. During his campaign speech in 1949 he said, "And my friends, I want to remind you that Liberal times have been good times, and Tory times have been bad times for Canadians," whereupon someone called out, "That is only a coincidence," to which Mr. St. Laurent replied, "Yes, my friend, it may only be a coincidence, but tell me, which coincidence would you rather have?"

Honourable senators, I invite you to support my private member's bill. Personal income taxes should not be raised because it is bad economics and it is bad social policy. Conservatives should pay attention to the substance of policy, not just to cosmetic policy to try to persuade people to give them a majority government.

Senator Comeau: Support the GST.

Senator Austin: Low-income Canadians will pay the price of a cosmetic approach. Honourable senators, Canadians deserve better from their government.

The Hon. the Speaker *pro tempore*: Would the honourable senator take a question?

Senator Austin: Certainly.

Hon. Gerry St. Germain: My question is to the Honourable Senator Austin. Can the honourable senator tell me exactly when this conversion to the GST took place? If I recall correctly, it was the Liberal government that wanted to scrap the GST. The horrific deficits that the honourable senator mentioned accumulated under the Trudeau administration. How could the honourable senator forget about these things in his delivery, because he is an honest man and I have known him for some time. I do not know how he could stand up and make such statements. The GST was brought in under former prime minister Brian Mulroney. It is an excellent tax that has generated huge revenues over the last 10 years. The only thing that the Liberals did was to cut the transfer payments to the provinces and destroy our health care system.

My question is: When did the conversion take place such that, all of a sudden, the GST is a great tax, which we always knew. I would like to know when this conversion took place and what happened?

Senator Austin: Honourable senators, I will reply carefully to Senator St. Germain's observations. The reality is different from his presentation. The GST is a major, new intervention of tax reform that was not presented to Canadians in the 1988 election.

Senator Comeau: Yes, it was.

Senator Austin: It came after.

Senator LeBreton: It was a recommendation from the Finance Committee.

Senator Comeau: I lost my election on that.

Senator Austin: The only theme on which the Mulroney government campaigned in 1988 was the Free Trade Agreement, and it hid the GST and its consequences.

Senator LeBreton: It did not.

Senator Comeau: It did not.

Senator Austin: I remember well when the then leader of the opposition, the Right Honourable John Turner, tried to start a debate on GST during the 1988 election.

Senator LeBreton: It was on the table.

Senator Austin: The Mulroney government brushed it aside. Let us move on and conclude that the Conservative government of Mr. Mulroney was not honest with Canadians with respect to its intentions regarding the GST.

Senator LeBreton: Three years from 1987.

Senator Austin: This country fell into a rather serious depression in 1980-81, following the U.S. depression, which caused then chairman of the federal reserve, Paul Volker, to raise interest rates way past double digit. That brought serious economic consequences to both the U.S. and the Canadian economy. The government of which I was a member had to make a decision: Should it allow the capital losses to fall on the balance sheets of the private sector and the public sector — hospitals, schools, provincial governments and major corporations — causing, in all likelihood, the collapse of prominent corporations and serious financial stress in public entities; or should the federal government take those costs on to its own balance sheet. That gave rise to the deficit when the Trudeau government took on that responsibility on the national balance sheet.

The Trudeau government of 1980-84 followed the advice of officials of the Department of Finance when they said that when the economy began to recover, the government would have to introduce higher taxing budgets. Guess what? Former Finance Minister Wilson did so in 1985, but the prime minister of the day, scared by a woman of less than five feet in stature, backed off the budget of 1985, and thereby cascaded the deficit of the Mulroney era. That deficit accumulated because the government was afraid that if it did not continue to spend, it would be defeated in 1988. That is the answer to the question.

The Hon. the Speaker: The honourable senator's time has expired.

Hon. Consiglio Di Nino: Honourable senators, I wish to say that there is a reality check in all of this.

Senator Austin: The honourable senator can only move an adjournment at this point in the debate.

• (1610)

Senator Di Nino: In the moving of the adjournment, I would make a little preceding statement about the fact that on January 23, the Canadian public, in its wisdom, looked at your program and your plan, looked at our program and our plan and, guess what, my honourable colleague? They chose our plan.

Senator Austin: This is not in order.

On motion of Senator Di Nino, debate adjourned.

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE ADJOURNED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Fraser*)

Hon. Sharon Carstairs: Honourable senators, I rise today to speak to the inquiry brought forward by my colleague, Senator Dallaire. First, I wish to congratulate the government for its contribution and its announcement of $40 million for humanitarian aid and for peace support assistance to the people of Darfur. It is a good first step, and I acknowledge it as a good first step. However, I have serious doubts, as do I think most who have knowledge of the situation, about whether it will be enough. Unfortunately, with deep respect, I suspect it is not.

I want to begin with Senator Dallaire's opening remarks in his inquiry entitled "Are all humans human, or are some more human than others?"

Honourable senators, we must look at what has been happening in terms of the Sudan and more particularly with respect to Darfur. Millions of Darfurians have been ethnically cleansed. They have been killed. They have been raped. They have been forced to leave their homes. They are living in refugee camps where there is inadequate food, inadequate potable water and inadequate living standards in general. Other people in that poor country have been abducted, some to become child soldiers and/or sex slaves. Many are children. The question we have to put before us in the chamber is the one so eloquently expressed by Senator Dallaire: Are all humans human, or are some more human than others?

As we all know in this chamber, there was a ceasefire in April 2004, but it has not worked. We know that there is another ceasefire, and one hopes that this one will work, but all indications are that we should not place too much faith in that ceasfire.

I begin this part of my address by congratulating my colleagues Senator Jaffer and Senator Dallaire, former Senator Wilson and our ambassador to Italy, Robert Fowler for the very fine work they have done in this area. All of these people spoke out on behalf of Darfurians. Their voices have been muted, and I think that in itself is a tragedy. I believe they should still be encouraged by representatives of this government to speak out on this particular issue.

We are all hopeful that there is some good news on the horizon with respect to the peace agreement. However, we must acknowledge that we have been here before and we have failed. The question we must address is this: Why have we failed? I think it is clear that we have failed because there has been an inadequacy of enforcement. Despite the efforts of the AMIS force, the force is not large enough and has often experienced bureaucratic delay.

Canada may need to play a much higher role. We may need to step up to the plate and provide more than money. We may need to send troops, and we know that in this area we have some very limited options. We need some serious strategic thinking about Canada's role in the world. We, as world citizens, stood by and watched the Rwandan genocide. We did nothing. We did the same during the Ethiopian famine until it was far too late. When will we get it right? When will we and other Western nations step up? When will we take and retake a leadership role in this area?

I want to put some very specific questions based on the theme of Senator Dallaire before this body. Is the rape of a girl in Darfur any less a crime, any less a personal tragedy, than the rape of a Canadian girl? Is a Darfurian child less a human being than a Canadian child? Is a Darfurian child dying of starvation any less a member of the human family? How would we as Canadians react to a Canadian child dying of starvation? We know how we would react. One only has to look at the excellent and fulsome coverage given to the death of Jeffrey Baldwin who was starved to death by his grandparents. Canadians were horrified. They were angered, and rightly so. Is a Canadian child's life worth that much more than the life of a Darfurian?

Personally, I think Canada is wrong in accepting soldiers under the age of 18, even though they are kept out of combat. I do not believe we should allow them in the Armed Forces at all until they reach the age of 18. However, we certainly do not allow for child soldiers. However, Canada and other nations turn a blind eye when children as young as six are made child soldiers in this tragic country.

Kidnapping is concerned a heinous crime in Canada, whether a child or an adult is kidnapped. Just cast your mind back a few short months ago when Canadian hostages held in Iraq were freed. There was, as there should have been, great jubilation. Yet in Darfur, whole families are kidnapped and we do little or nothing.

Honourable senators, are all human beings equal? Sad to say, in the world in which we live, some humans seem to be more special. Some humans' lives seem to have more value. As Canadians, we are a most fortunate people, for our lives seem to have more value. Surely we can share that value and our value system with the people of Darfur. We can step up to the plate. We can do more.

Hon. Gerry St. Germain: Honourable senators, I listened very carefully to Senator Carstairs, and I agree with what she said. I have used this term before, and it is not an original term. They are and have been "children of a lesser god," unfortunately.

• (1620)

I have watched the situation in Rwanda and other acts of atrocities that have taken place in various countries around the world. The honourable senator is correct, there seems to be different values on different lives. Unfortunately, that value appears to be based on the colour of one's skin.

Honourable senators, we should take a page out of the book of Stanley Burke. I do not know if any of you remember him, but he was an anchor on CBC.

He read the news about Biafra night after night. He had the courage to step down from his position as anchor. He took a giant step and volunteered to go to Biafra. I suppose he was the equivalent of our Peter Mansbridge. It is easy for those of us who sit in this place. However, until we step out from our comfortable pews, wherever they may be — and I address these remarks not only to all Canadians but to all the peoples of the world — we will continue to have situations like the situation in Darfur.

When I am asked who my heroes are, I generally answer that Stanley Burke is one of them. He had the courage of his convictions. He stood up. He saw what was wrong and he made a difference. He sacrificed something in his life. He went out and did something about Biafra. Mr. Burke will always stand out as one of my heroes, just like Terry Fox and Mother Teresa stand out as my heroes.

These are people who have gone out and done something deliberate. They sacrificed something in their lives. They did not just make eloquent speeches — any one can do that. They paid the ultimate price and gave up something close to their hearts for their fellow man.

I cannot believe that if there is a God that judges each and every one of us that he will ever be able to forgive us for watching this and not doing something deliberate. I ask the government and I ask each and every one of you, honourable senators, especially those who hold the majority in this place, to work together.

Senator Jaffer did great work. I used to ask what she was doing — I could never get an answer. I hope that the government of the day will not operate in the same manner. We all deserve an answer. All of us should consider doing more and doing it better.

On motion of Senator Fraser, debate adjourned.

THE SENATE

MOTION TO TELEVISE PROCEEDINGS— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon:

That whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians;

And on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Peterson, that the question be referred to the Standing Committee on Rules, Procedure and the Rights of Parliament.—(*Honourable Senator Tkachuk*)

Hon. Consiglio Di Nino: Honourable senators, I should like to make a short comment in particular on the motion of Senator Munson to refer this matter to the Standing Committee on Rules, Procedure and the Rights of Parliament. When he made his motion he was doing so simply "to get a proper understanding of costs, logistics and benefits."

As chair of the Rules Committee, I question whether ours is the appropriate committee to which this motion should be referred. Matters concerning logistics, benefits, et cetera would normally be referred to the Standing Committee on Internal Economy, Budgets and Administration as opposed to the Rules Committee. As servants of the Senate, we will obviously do whatever the Senate wishes. However, I would like to put on the record that we should reconsider whether the Rules Committee is the appropriate committee to which this matter should be referred.

On motion of Senator Tkachuk, debate adjourned.

THE SENATE

MOTION URGING SUPPORT FOR STABILIZATION AND RECONSTRUCTION OF AFGHANISTAN— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Day:

That the Senate expresses its support of Canada's diplomatic, defence and development contributions for the stabilization and reconstruction of Afghanistan; and

That the Senate commends Canadian Forces personnel, diplomats and humanitarian assistance officials for their contribution in re-building a stable and prosperous Afghanistan.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I am pleased to join Senator Dallaire in praising Canada's contribution to the difficult and daunting stabilization efforts in Afghanistan. The greatest praise must go to the men and women of the Canadian Forces who toil every day in a hostile land where danger lurks around every corner and every hill. Since moving to the Kandahar region earlier this year, the risks to our soldiers, the soldiers of the Afghan army, as well as the men and women wearing the uniforms of our allies, have greatly increased, as we have sadly seen.

We must also recognize the valiant effort of those who toil without uniforms, the diplomats and the aid workers, whose contributions are nonetheless critical to the stabilization program. They, too, are targets of the inhumane and cruel enemy.

As honourable senators will recall, in 2001, Afghanistan was a failed state, one of the poorest in the world which suffered under the bureaucratic rule of the medieval Taliban regime. This government not only systematically and brutally abused the rights of its citizens, particularly women, and sought to destroy the country's cultural heritage, but also supported and gave sanctuary to Osama bin Laden and his terrorist al-Qaeda network.

The Taliban's support for al-Qaeda and for the attacks of September 11, 2001 put an end to all of this. The United States took the lead, working with Canada, other allies and local Afghan forces, removed the Taliban regime that harboured al-Qaeda and set Afghanistan on a path to democracy.

Five years later, Afghanistan has a newly elected parliament, led by an elected president. For the first time in decades, the economy is growing and security has largely returned to many areas of the country, particularly the major cities of the north and west, including the capital, Kabul. Children, both boys and girls, are going to school again. The future, which for millions of Afghans was once only a horizon of dark clouds, now looks brighter.

Five years is a very short time to accomplish much in any country, but in Afghanistan, much has been accomplished nevertheless, with much left to do. The Taliban and al-Qaeda insurgency, while quelled in most of the country, still rages in the east and south, particularly around Kandahar where our Canadian Forces are located. Local warlords who helped remove the Taliban regime are becoming rich from the proceeds of opium poppy cultivation. The power and autonomy this money buys them is already proving to be a major political challenge for the new government in Kabul. Afghanistan remains a desperately poor country with decades of development ahead before it reaches the level of wealth of its neighbours, none of whom are particularly prosperous themselves.

Honourable senators, since the attacks of September 11, 2001, the question of Canadians has always been: What can we do to help? On that fateful day, we moved quickly to help our American friends in a number of ways, from welcoming airline passengers diverted to our country, to helping with the emergency response in New York.

• (1630)

In the months that followed, we participated in the U.S.-led military coalition to oust the Taliban. Afterwards, we joined in and led the NATO International Security Assistance Force, ISAF, which brought security to Kabul and then the entire north of Afghanistan. Our military presence in Afghanistan is also supported by diplomatic and development efforts in an approach which has pointed toward a new kind of engagement for Canada abroad, which is designed to help locals establish an acceptable level of freedom, democracy, rule of law and basic human rights.

Canadian initiatives in Afghanistan include helping with demining and destruction of ammunition stockpiles. Savings and micro-loan services have been provided to more than 100,000 clients, some 90 per cent of them women. More than 8,000 villages will receive funding to access basic rural infrastructure. Through a CIDA-funded program, more than 62,000 former combatants have been disarmed, demobilized and reintegrated into civilian society. Assistance in areas of education, policing, justice reform, provision of clean water and reconstruction is also helping establish a sense of normality for Afghanis.

In his speech on May 17, 2006 in the other place, Foreign Affairs Minister MacKay referred to the impressive statistics of the many accomplishments in Afghanistan. He said:

> These statistics do not adequately convey the profound human dimensions of such striking progress. They do not capture the many individual triumphs that Afghans have achieved since 2001: the little girl going to school for the first time; the widow becoming self-sufficient; the voter being empowered by choice; and the family of refugees finally coming home.

Earlier this year, the Canadian Forces took over command of the Kandahar region campaign. Their mission and objective is to bring to this region the same level of security and stability that they helped to establish in Kabul. Canadian soldiers, whose training and experience in this sort of peace support operation is the envy of our allies, including the Americans, did very well in Kabul and made a real difference there. Security, after all, is the indispensable foundation of development and democracy. This is clearly one example of how we can add significant value in future peace support operations abroad. During my visit to Kabul last August, the soldiers I met expressed confidence that they would achieve the same results in Kandahar as they did in Kabul.

During his visit to Afghanistan in March of this year, his first trip abroad since becoming Prime Minister, Mr. Harper hold the men and women of the Canadian Forces serving there:

> On behalf of all Canadians, I want to tell you how proud I am of the work you are doing. You have put yourselves on the line to defend our national interests, ensure Canadian leadership in world affairs, and help Afghanistan rebuild into a free, democratic and peaceful country.

During the years that Canadian soldiers have been posted in Afghanistan, life for the men and women of the Canadian Forces has not been easy. They are far from friends and family. When not on patrol or on a mission, they are confined to camp and must be alert for the ever-present threat of rocket attacks. Sadly and tragically, they have suffered the loss of comrades, most recently the tragic death of Captain Nichola Goddard, a brave officer. Despite all of this, their determination has not wavered, and neither must ours.

Honourable senators, Afghanistan is a country which has been in a near constant state of war for over 25 years. There is an entire generation of Afghans who have known only two times when the spectre of war seemed to recede — once under the Taliban and again now under the democratically-elected government of President Karzai, supported by coalition and NATO troops. It is essential that they are convinced that the democratic option is the only one that will lead to lasting security and prosperity. This is the work of decades, but I am confident success will be achieved, first because the Afghanis yearn for it, and second because the world is answering their plea for help. When that happens, it will in large part be thanks to the hard work, professionalism and bravery of the members of the Canadian Forces and their allies.

Honourable senators, the Afghanistan mission is facing a cruel and heartless enemy whose obsession borders on madness. On May 17, 2006, during the debate in the other place on extending the Afghan mission, the Prime Minister said:

> Al-Qaeda and the Taliban are not interested in peace. They target civilians. They target women and children in a quest to impose once again their will and their dark and backward vision of life on the Afghan people.

Honourable senators, the enemy does not lack courage and will not easily be defeated, and it does have some support among the citizens of Afghanistan. The soldiers serving in that faraway land are well aware of the risks and, as they told me during my visit, they recognize that some of them will pay the ultimate price. Yet, they are prepared to continue the mission because they have experienced the warmth, gratitude and respect of the vast majority of the people of Afghanistan, who see them as liberators and friends. They have not only seen but felt the emotions of smiles on the faces of boys and girls as they wave to our troops while going to and returning from school.

To experience the sensation of genuine and heartfelt gratitude is a powerful and infectious tonic that makes the risk worth taking. It reinforces your resolve — as a matter of fact, it steels it. When confronted with difficult choices dealing with helping others in danger or in need, I believe that if you can help, you must. Our soldiers believe they can help.

During his recent visit with Canadian troops in Afghanistan, Foreign Affairs Minister Peter MacKay also assured the troops of the support of the Canadian government for them and their mission and informed President Karzai that Canada will not abandon the Afghan people and will be there to help finish the job. As Minister MacKay said during the debates in the other place on May 17, 2006:

> An extended and enhanced Canadian commitment to Afghanistan will demonstrate clearly, unequivocally and tangibly to ordinary Afghans that they are right to hold out hope that tomorrow can be better than today.

I was therefore pleased that the debate in the other place reflected overwhelming support for our troops and their mission in Afghanistan, and was heartened by the approval of the extension of the mandate, although by a slim majority, for a further two years.

Honourable senators, we as parliamentarians also have an important role to play. First, we must be strong advocates of the brave men and women on the front lines of this conflict, particularly by ensuring that they have all the resources they need to perform the dangerous tasks ahead as safely as possible.

Second, we must act as their voices and appeal to Canadians not to weaken their resolve in support of their mission to bring smiles to the faces of all the children of Afghanistan.

Finally, as well as extending our warmest wishes to our soldiers for a safe and successful conclusion to their mission, let us express our heartfelt gratitude to the children, spouses, mothers and fathers, brothers and sisters, family and friends of our soldiers, our diplomats and our aid workers. To all of them we say: Thank you for your sacrifices, and God bless

On motion of Senator Fraser, debate adjourned.

• (1640)

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY SPECIFIC CLAIMS PROCESS

Hon. Gerry St. Germain, pursuant to notice of May 16, 2006, moved:

> That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)(q) of the Senate, be authorized to examine and report on the general concerns of First Nations in Canada related to the federal Specific Claims process, the nature and status of the Government of Canada's Specific Claims policy, the present administration of the policy, the status of the Indian Specific Claims Commission, and other relevant matters with a view to making recommendations to contribute to the timely and satisfactory resolution of First Nations' grievances arising out both their treaties with the federal Crown and the Government of Canada's administration of their lands, monies, and other affairs under the *Indian Act*.
>
> That the Committee report to the Senate from time to time, but no later than June 14, 2007 and that the Committee retain until September 1, 2007, all powers necessary to publicize its findings.

He said: Honourable senators, on May 17, Senator Harb proposed a friendly amendment that was out of order at that particular time because I had not moved the motion as of yet.

I have had conversations and discussions with Senator Harb in regard to the motion that I put forward, and he would like a certain amount of expansion on this particular reference. I believe it is covered in other affairs in this particular motion. I assure the Senate that we will focus on specific claims. Specific claims, in a nutshell, are, first, the non-fulfillment of a treaty or other agreement between First Nations and the Crown; second, the breach of an Indian Act or the statutory responsibility; third, the breach of an obligation arising out of government administration of First Nations funds or other assets; and, fourth, illegal sale or other disposition of First Nations land by government.

We will most likely come forward with an interim report on the specific claims aspect, not ignoring the concerns of Senator Harb on other affairs that are affected by the Indian Act.

Hon. Mac Harb: Your honour, with your permission, if the chair of the committee was to undertake that once he does the thing that the committee is asking the Senate to allow them to do, that he will further look at the specific motion that I have proposed that I would be moving today I am happy to proceed.

Senator St. Germain: Without question, honourable senators, we will take this into serious consideration.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, May 31, 2006, at 1:30 p.m.

CONTENTS

Tuesday, May 30, 2006

PAGE

Visitor in the Gallery
The Hon. the Speaker . . . 363

SENATORS' STATEMENTS

The Late Jacques Bouchard
Hon. Dennis Dawson . . . 363

MusicFest Canada
Congratulations to Estevan Comprehensive School Symphonic Wind and Jazz Ensemble.
Hon. Leonard J. Gustafson . . . 363

Quebec Black Medical Association
Fifteenth Anniversary.
Hon. Lucie Pépin . . . 363

The Late Steve Stavro, O.C.
Hon. J. Trevor Eyton . . . 364

The Honourable Marcel Prud'homme
Congratulations on Receiving Honorary Diploma Bestowed by the Federation Council of the Federal Assembly of the Russian Federation.
Hon. Yoine Goldstein . . . 364

Memorial Cup
Congratulations to Quebec Remparts.
Hon. Jean-Claude Rivest . . . 364

Cycle for Spirit
Hon. Larry W. Campbell . . . 365

Indonesia
Java—Earthquake.
Hon. Daniel Hays . . . 365

ROUTINE PROCEEDINGS

Privacy Commissioner
2005 Annual Report on Personal Information Protection and Electronic Documents Act Tabled.
The Hon. the Speaker . . . 365

Constitution Act, 1867 (Bill S-4)
Bill to Amend—First Reading.
Hon. Gerald J. Comeau . . . 365

First Nations Government Recognition Bill (Bill S-216)
First Reading.
Hon. Gerry St. Germain . . . 365

Financial Administration Act
Bank of Canada Act (Bill S-217)
Bill to Amend—First Reading.
Hon. Hugh Segal . . . 366

Banking, Trade and Commerce
Notice of Motion to Authorize Committee to Extend Date of Final Report on Study of Issues Dealing with Demographic Change.
Hon. Jerahmiel S. Grafstein . . . 366

PAGE

Agriculture and Forestry
Committee Authorized to Meet During Sitting of the Senate.
Hon. Joyce Fairbairn . . . 366
Hon. Terry Stratton . . . 366
Hon. Joan Fraser . . . 366
Hon. David Tkachuk . . . 366
Hon. Larry W. Campbell . . . 367
Hon. Hugh Segal . . . 367
Hon. Marcel Prud'homme . . . 367

Foreign Affairs
Committee Authorized to Meet During Sitting of the Senate.
Hon. Hugh Segal . . . 367

Banking, Trade and Commerce
Notice of Motion to Authorize Committee to Study Softwood Lumber Agreement.
Hon. Pierrette Ringuette . . . 367

Kyoto Protocol
Government Position—Notice of Inquiry.
Hon. Grant Mitchell . . . 368

Issues of Importance to Regions of Alberta
Notice of Inquiry.
Hon. Grant Mitchell . . . 368

QUESTION PERIOD

Human Resources and Social Development
Proposed National Child Care Program.
Hon. Art Eggleton . . . 368
Hon. Marjory LeBreton . . . 368

International Trade
Softwood Lumber Agreement.
Hon. Pierrette Ringuette . . . 369
Hon. Marjory LeBreton . . . 369
Softwood Lumber Agreement—Request for Tabling.
Hon. Pierrette Ringuette . . . 369
Hon. Marjory LeBreton . . . 369
Softwood Lumber Agreement—Allocation of Export Charges.
Hon. Pat Carney . . . 369
Hon. Marjory LeBreton . . . 369

The Environment
Alternative Fuels—Request by Iogen Corporation for Loan Guarantees to Construct Ethanol Plant.
Hon. Daniel Hays . . . 369
Hon. Marjory LeBreton . . . 369

The Budget 2006
Post-Secondary Education—Investment in Research and Development.
Hon. Claudette Tardif . . . 370
Hon. Marjory LeBreton . . . 370

Health
Proposal to Create Mental Health Commission.
Hon. Catherine S. Callbeck . . . 370
Hon. Marjory LeBreton . . . 371

Public Works and Government Services
Sale and Leasing of Public Buildings.
Hon. Jack Austin . . . 371
Hon. Michael Fortier . . . 371

PAGE

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau 371

National Defence
Location of Proposed New Recruits.
Question by Senator Dallaire.
Hon. Gerald J. Comeau (Delayed Answer) 372

International Trade
South Korea—Possible Free Trade Agreement.
Question by Senator Ringuette.
Hon. Gerald J. Comeau (Delayed Answer) 372

Question of Privilege
Speaker's Ruling.
The Hon. the Speaker 373

ORDERS OF THE DAY

Hazardous Materials Information Review Act (Bill S-2)
Bill to Amend—Third Reading.
Hon. Wilbert J. Keon 373

PAGE

Income Tax Act (Bill S-215)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Jack Austin 373
Hon. Gerry St. Germain 379
Hon. Consiglio Di Nino 380

Canada's Commitment to Darfur, Sudan
Inquiry—Debate Adjourned.
Hon. Sharon Carstairs 380
Hon. Gerry St. Germain 381

The Senate
Motion to Televise Proceedings—Debate Continued.
Hon. Consiglio Di Nino 382

The Senate
Motion Urging Support for Stabilization and Reconstruction of Afghanistan—Debate Continued.
Hon. Consiglio Di Nino 382

Aboriginal Peoples
Committee Authorized to Study Specific Claims Process.
Hon. Gerry St. Germain 384
Hon. Mac Harb 384

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 18

OFFICIAL REPORT
(HANSARD)

Wednesday, May 31, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

LIBRARY
JUL 06 2006
University of Toronto

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, May 31, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

GOVERNMENT EFFORTS IN SUDAN

Hon. Nancy Ruth: Honourable senators, I rise to speak about Sudan. Our government is committed to doing all that it can to help achieve lasting peace in Sudan. The signing of the Darfur Peace Agreement between the Sudan Liberation Movement and the Sudanese government signalled that it was time for this government to further its efforts.

Our Conservative government has responded. Last week, on May 23, Prime Minister Stephen Harper announced that Canada will increase its funding by another $40 million. Since September 2004, Canada has contributed a total of $218 million in support of diplomatic, humanitarian and African Union-led efforts to end the violence and to bring lasting peace to the people of Darfur.

As you know, Sudan is the sixth-largest African country and has the sixth-largest population in Africa. Its needs are immense. The United Nations estimates that the violence in Darfur has displaced roughly 2 million people and the World Health Organization estimates that there have been 50,000 deaths in Darfur since the beginning of the conflict.

The Conservative government's plan, announced on May 23, will pursue a two-pronged approach to ensure that the immediate needs of the most vulnerable people are met. At the same time, support has also improved for ongoing long term initiatives. Half of the $40 million most recently pledged by our government will be used for urgent humanitarian needs such as food, water, sanitation, basic health care and assistance to displaced people in Sudan and neighbouring countries.

• (1340)

Canadian support addresses needs identified by the African Union in accordance with the Status of Mission Agreement in place between the AU and the Government of Sudan. Canada is one of the top three contributors to the African Union Mission. We have provided 25 helicopters, two aircraft, 105 armoured personnel carriers, helmets, protective vests, as well as civilian police and military training.

Honourable senators, we should not forget that Canada's commitment to solving Sudan's humanitarian crisis has been ongoing for over 20 years. It is not a problem that will disappear overnight. While momentous, the Darfur Peace Agreement is only the first step in a long journey. Canada's government has demonstrated and will continue to demonstrate leadership among nations that support peace in Africa. Let us continue our efforts to ensure that Canada never becomes complacent when we see atrocities on the global stage.

[*Translation*]

L'ASSOCIATION FRANCOPHONE POUR LE SAVOIR

ANNUAL CONFERENCE

Hon. Claudette Tardif: Honourable senators, on May 18 and 19, I had the opportunity to participate in a symposium on the topic, "Official languages and linguistic duality: structuring research and partnerships". This event was held in Montreal during the annual conference of the Association francophone pour le savoir, ACFAS.

The purpose of the symposium, which was organized by the Canadian Francophonie research network, was to enable researchers from universities, communities, governments and elsewhere to present and discuss their work and address the issue of partnerships for research on official languages.

I agreed to open the research symposium because it combined two themes that drive my social and political involvement: linguistic duality and post-secondary education, which goes hand in hand with the dissemination of knowledge through research.

The presentations addressed themes ranging from education, policy and program evaluation and the vitality and development of official language communities to justice and community radio.

In spite of many challenges, including a lack of human and financial resources, many researchers working at community, government and academic milieus, and in the private sector, are conducting interesting, relevant, high-quality research on official languages, linguistic duality, and official language minority communities.

Statistics Canada officials shared some of their ongoing research into community vitality and literacy. Community representatives shared their ideas about research partnerships and the preliminary results of their ongoing consultation processes.

All of the presentations contributed in some way to encouraging participants to think about the possibilities and challenges of partnerships for research on official language minority communities.

Symposium participants agreed that there is a major need, particularly in the wake of recent changes to the Official Languages Act, to encourage and actively support research on official language minority communities.

They also agreed that there is a lot at stake with respect to the issue of horizontal governance in official languages, which will have to be watched closely in light of recent amendments to Part VII of the Official Languages Act, better known as Bill S-3.

Honourable senators, as I have often said, linguistic duality is one of this country's fundamental values. It is important that both the federal government and the provinces support this value, as well as the research being undertaken on the subject.

[*English*]

WINNIPEG

Hon. Janis G. Johnson: Honourable senators, the City of Winnipeg just wrapped up its first ever city summit. The event, held during the first week in May, brought together over 200 leaders in business, labour, universities, colleges, culture, media, community and youth. Its purpose was simple: It was a call to action, led by Mayor Sam Katz, for governments, local businesses and citizens to develop a plan to revitalize the downtown core of the city.

• (1345)

Over the course of two days, delegates heard from distinguished speakers, such as former New York Mayor Rudy Giuliani; Kansas City, Missouri Mayor Kay Barnes; Joe Berridge of Urban Strategies and *The Globe & Mail*'s John Ibbitson. Discussions focused on urban renewal and growth to make Winnipeg the "City of Opportunity" that it should be.

There are many challenges facing Winnipeg, but the city has much to offer and build upon. We have a very impressive arts and cultural scene which has been long admired across the country: the internationally renowned Royal Winnipeg Ballet and the Winnipeg Art Gallery, — home to the world's largest collection of contemporary Inuit art, and the National Screen Institute Film Exchange Canadian Film Festival, an acclaimed symphony orchestra and a lively music and theatre life. This vibrant arts community is also seeing the emergence of a new generation of artists, writers and filmmakers from the Aboriginal community, and their stories are being told and filmed.

Of course, one of the city's impressive distinctions is that it does not simply declare its diversity — Winnipeg lives it. We have a multi-ethnic North End, celebrated for its cultural riches. For example, within the length of a city block we have the Greek Orthodox Church, a community agency for Native Canadians, a Ukrainian pierogi restaurant, Vietnamese and Filipino restaurants and a market selling fish from Lake Winnipeg, home to Manitoba's large Icelandic community.

Winnipeg is also known for having the largest and finest array of ethnic restaurants in the country. The cultural diversity of Winnipeg is simply unrivalled anywhere else in our country. We also have the largest Aboriginal population in our city and the largest French-speaking population outside of Quebec.

Historic architecture is another great attribute of Winnipeg. The original core of the city, the Exchange District, was designated a national historic site in 1997. It received this distinction because it illustrates the city's key role as a centre of grain and wholesale trade, finance and manufacturing during two historically important periods in western development: between 1880 and 1900 when Winnipeg became the gateway to Canada's West, and between 1900 and 1913 when the city's growth made it the region's metropolis.

It is true that the road ahead will be filled with challenges, such as fixing decaying infrastructure, dealing with the high rate of Aboriginal unemployment, encouraging entrepreneurs and business development and beautifying the downtown core. In short, we need a plan of action, but we have a solid base from which to work, and we must not undervalue this. This solid downtown base includes the University of Winnipeg, the Red River College campus, the MTS Centre, the new hydro headquarters, the Forks development, the Waterfront Drive condominium development, and we soon will be able to boast about a national human rights museum.

Now that the summit is over, the question becomes: what about the plan? It is vital that we not lose all the goodwill and momentum stemming from this event. We all have a role to play, and I am committed to working with my municipal, provincial and federal counterparts to help Winnipeg realize its full potential. My call to action: Let's identify the priorities, the plan, and get to work! No more talk — action.

[*Translation*]

CANADA-FRANCE FEDERATION

FIFTY-SIXTH INTERNATIONAL CONFERENCE

Hon. Maria Chaput: Honourable senators, as President of the Canada-France Federation, a non-Parliamentary organization, and as a Canadian senator, I was invited to attend the 56th France-Canada International Conference in Nice, and to co-chair the event with the French Senator Marcel-Pierre Cléach.

I also had the honour of chairing the 55th FCF Conference, which was held in 2005 in St. Boniface, Manitoba, where French and Canadian delegates received a warm welcome from the francophone community in Manitoba. At the Convention in Nice, I was able to follow up on some of the partnership initiatives that had been discussed last year.

The theme of the Nice Convention was "La Francophonie— Cultural Diversity in Action". Round tables were held to discuss diversity in action in francophone businesses; youth visibility; moving Canada or moving to France; and, lastly, a cultural commission to address "dialogue with others, between cultures, and the contribution of la Francophonie".

Several prominent individuals gave speeches, including the Mayor of Nice, Senator Jacques Peyrat, and His Excellency Claude Laverdure, Canadian Ambassador to France.

I gave a speech at the official opening, took part in numerous debates and presented a Canadian flag to the organizing committee. I met some Canadian students, including one from Winnipeg, who are there on an exchange program with Nice, and I had the opportunity to speak with them at length.

The most memorable event for me was the anniversary mass to commemorate the consecration of the Nice Cathedral, on May 7, during which the Bishop welcomed the Canadians and reiterated the special ties that we share, particularly our culture and language. At the very end of the anniversary mass, the Canadian national anthem was played in honour of the Canadians who attended the event.

I returned with very fond memories and a strong desire to continue to pursue partnerships with our French friends, our Canadian communities, and particularly, connections between the people of France and the francophone community of Manitoba.

I would like to thank the Senate of Canada for this privilege of continuing to support the community I represent.

• (1350)

[*English*]

ASIA-PACIFIC PARLIAMENTARIANS' CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Hon. Pat Carney: The earthquake in Indonesia earlier this week, and the tragic loss of life and devastation, brings into focus the work of the Asia-Pacific Parliamentarians' Conference on Environment and Development, which met in Whistler during the Easter break. I was one of the nearly 100 delegates from 19 countries who compared notes on national emergencies. At Whistler, parliamentarians discussed how emergencies and natural disasters are on the increase due to urbanization, weather and climate change. We are familiar with the Boxing Day tsunami of 2004, where 260,000 people died in Indonesia alone.

Each country faces different challenges. The Philippines are located on a "typhoon highway" and experiences about 20 cyclones a year. Rising ocean levels affect the 7,100 islands at high tide. There are more islands at low tide.

Tiny Tuvalo, where 8,000 people share nine atolls in the South Pacific, has no technical staff to manage disasters as sea water invades its taro fields. Kiribati, an atoll nation whose highest point is only 13 metres above sea level, faces a similar threat.

Low-lying villages in Fiji are under threat as rising sea levels obliterate the coral reefs that protect the shoreline. Malaysia and Vietnam cope annually with both flash floods and drought. Mountainous Nepal, located in an active seismic zone, suffers damage from lightning, landslides and hailstones, and constant threat of earthquakes.

Korea and Mongolia talked about the "fifth season" of dust and sandstorms which turn the air yellow and is the result of overgrazing, as poverty forces the urban poor back to the land. Canada's country report lists ice storms, flooding and forest fires, and several trends suggest our problems will only get worse.

Disaster response by each nation is divided into mitigation, such as dams and floodways; preparedness, such as emergency plans; response from police, firefighters and medical personnel; and recovery to rebuild and restore communities.

Delegates agreed on the need for international credentials so volunteers from donor countries can work without threat of legal action. The conference ended with consensus for the *Whistler Declaration of Natural Disasters: Prevention and Response*, whereby parliamentarians resolved to encourage the increase in capacity and resilience of regions affected by natural disaster; the implementation of the Agenda for Humanitarian Action of the International Federation of Red Cross and Red Crescent Societies, which would better facilitate a quick response by the international community to large-scale natural disasters; the development of local emergency management plans based on hazard identification and risk assessments; the development of communications strategies, as well as cooperation in disaster monitoring, warning and response; and the development of strategies to protect victims of natural disasters from human trafficking and the spread of disease.

They may not prevent natural disasters, colleagues, but these measures will help to mitigate and assist the people who have to bear them.

• (1355)

ROUTINE PROCEEDINGS

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I rise, with some trepidation, to give notice that, at the next sitting of the Senate, I shall move:

> That the Standing Senate Committee on Agriculture and Forestry have power to sit at 5 p.m., Tuesday, June 6, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[*Translation*]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REQUEST GOVERNMENT RESPONSE TO REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput: Honourable senators, I hereby give notice that two days hence I shall move:

> That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government to the sixth report of the Standing Senate Committee on Official Languages, entitled *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*, report tabled in the Senate on June 14, 2005, and adopted on July 18, 2005, during the First Session of the Thirty-Eighth Parliament; and that the Minister of Canadian Heritage, the Minister of Social Development and the Minister of Official Languages be identified as Ministers responsible for responding to the report.

[*English*]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*;
>
> That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament and the First Session of the Thirty-eighth Parliament be referred to the committee; and
>
> That the committee present its report to the Senate no later than June 30, 2007.

[*Translation*]

POST-SECONDARY EDUCATION

NOTICE OF INQUIRY

Hon. Claudette Tardif: Honourable senators, I hereby give notice that two days hence I shall call the attention of the Senate to questions concerning post-secondary education in Canada.

[*English*]

QUESTION PERIOD

GOVERNOR GENERAL

REQUEST TO VISIT TROOPS IN AFGHANISTAN

Hon. Jim Munson: Honourable senators, I am rising, as John Ivison would describe in the *National Post*, in a sloth-like motion to ask the Leader of the Government in the Senate a question. In fact, speaking of John Ivison and the *National Post*, the "Conservative *Times*," or the Conservative's favourite newspaper reports that Her Excellency the Governor General has asked twice to visit troops in Afghanistan, and from the *National Post's* report, she has been denied twice. The *Post* talked about security conditions to make the exact same trip taken by the Prime Minister and the Minister of Foreign Affairs. Let us get serious, for Pete's sake. The Governor General is our Commander-in-Chief of the Canadian Armed Forces. She is held in high regard by the Armed Forces, as was the former Governor General, Adrienne Clarkson, and a visit by her would boost the morale of the troops.

Could the Leader of the Government in the Senate tell me if this story is accurate? If it is accurate, is the government prepared to change its position?

• (1400)

Hon. Marjory LeBreton (Leader of the Government): Thank you, Senator Munson, for the question. Certainly, the Governor General is held in high esteem by all Canadians and she does an outstanding job.

The information that I have is that the Chief of Defence Staff, General Rick Hillier, did invite the Governor General to visit soldiers in Afghanistan a few months ago. However, at that time, her schedule did not permit her to make the trip.

Due to the security environment, the Chief of Defence Staff has recommended that a visit at this time would not make the most of the Governor General's presence because she could not have met with humanitarian workers outside of the base or with troops who are currently involved in operations away from the Kandahar airfield.

My understanding, and I can clarify this if the honourable senator wishes, is that in view of the recommendations made to her, the Governor General has decided not to proceed with her trip at the present time.

Senator Munson: I am curious. Is the Prime Minister trying to send a message to his Minister of Foreign Affairs that it is okay for him to go even though it is very dangerous for all people to go? I am concerned.

I just want to be clear. The Governor General will be allowed to go — the government says she can go — when the situation becomes more normal, because this is a very tough place to be. Reporters have been there. Former Prime Minister Jean Chrétien was there during a pretty tough time. I know that the people from National Defence will always say you cannot go now because of security reasons.

When Mr. Chrétien was there, he was rushed to the airport and put on a Hercules plane to get out of there just in time. There was a lot of gunfire over the air base and the field in Kabul.

Just as a clarification, can the Commander-in-Chief of the Armed Forces go when she wishes to go, or does she simply have to listen always to recommendations from the government?

Senator LeBreton: Thank you, Senator Munson. There is no doubt that the situation on the ground in Afghanistan is very dangerous. I think that all of the good humanitarian work is being done because we have troops there who are working to secure the safety of all of the other people there.

The Governor General is the Commander-in-Chief of the Armed Forces My understanding is that on the advice of the Chief of Defence Staff, she made a decision not to go at the present time. However, as soon as the Governor General's time permits and the Chief of Defence Staff advises her that it is safe to go, I am quite certain that she will go.

Senator Munson: Perhaps when she gets there, she could wear one of the Prime Minister's stylish flak jackets to help her along the way.

I am worried about the control aspect of this; you are controlling what is happening to the Governor General. It seems to me the Commander-in-Chief, no matter what time, should be on the front lines, even if it is for 30 minutes. It is an important message to state. The idea of what is happening in terms of controlling bothers me.

There was controlling of photo ops at the Trenton air base; there is controlling of the National Press Gallery. What is next, mind or thought control? I am not sure.

Senator LeBreton: Senator Munson, I think the situation in Afghanistan and the peril that our troops face is not something to be joked about nor the subject of cheap shots.

• (1405)

As a Canadian citizen, I personally hope that the Governor General, as our Commander-in-Chief, will be able to make a trip to Afghanistan. Coming from the developing country of Haiti, she would make a great contribution to the situation in that she would be able to strongly profile the humanitarian and human rights efforts being made in Afghanistan. For example, young girls are finally able to go to school and women are now allowed to teach and to open up businesses. I do not think it is a question of flak jackets. The Governor General will make a decision, and I would urge all parliamentarians to encourage the Governor General to go to Afghanistan as soon as possible.

[*Translation*]

THE ENVIRONMENT

KYOTO PROTOCOL—POSITION OF QUEBEC

Hon. Dennis Dawson: Honourable senators, I too am inspired by the media, specifically the article headlined "Quebec cranks up rhetoric with Ottawa" appearing in *La Presse*, not the *National Post*, as in my colleague's case.

My question is for the minister responsible for Quebec in the Senate. At a time of encouraging speeches about Canada-Quebec cooperation, can the minister explain the utter lack of dialogue with Quebec on greenhouse gases and her government's lack of support for the target set by the Government of Quebec, which wants to meet the previous government's commitments to fund a greenhouse gas reduction program so that the province can attain its Kyoto targets?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

The Minister of the Environment attended the meetings in Bonn and acquitted herself and represented the government's position extremely well, so much so that most industrialized countries and the United Nations have now accepted and agreed that the Kyoto targets are impossible to meet. I believe the Bonn conference ended with great acceptance and support for Canada's honesty and position.

With regard to the media reports, I am always hesitant to respond to issues raised in the media, but suffice it to say that the Prime Minister, the government and the Minister of the Environment encourage all provinces and premiers to work seriously on the whole issue of climate change.

[*Translation*]

Senator Dawson: My supplementary question is for the Minister of Public Works and Government Services. The new Minister of the Environment has torn up last year's historic Montreal agreement, which clarified each government's commitments for the coming years.

The Quebec environment minister has called on your government to support Quebecers and their government in their efforts, outlined by Premier Charest, to attain the Kyoto targets. I quote minister Béchard:

> If the federal government should decide not to contribute, we will make it very clear where the responsibility lies and why we have not attained the Kyoto targets.

Why not honour the commitments made by past governments, Mr. Minister?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, the senator from Quebec City addressed me as the minister responsible for Quebec. He is well aware that I represent a much smaller area than that. However, since he has asked a serious question, I will tell him that — as mentioned by the Leader of the Government in the Senate — our government, through the Minister of the Environment, Ms. Ambrose, has clearly indicated in recent months that our objectives differ from those established by the previous government.

Quebec may object to this policy or others. The fact that two governments differ in their views on a subject is hardly earth-shattering. I believe it is healthy in a democracy. Quebec puts forth its views on the environment and the federal government does the same, and I think that is just fine.

Senator Dawson: Along the same lines, with the child care agreement ripped up, the agreement on greenhouse gas emissions ripped up, and Quebec cranking up the rhetoric, do you not think that is the time to wonder if fiscal balance will be achieved at the expense of past agreements?

We must also wonder if the government will take money out of one pocket and put it in the other and then declare that it is giving money to Quebec. Will you respect the historic agreements signed by previous governments?

• (1410)

Senator Fortier: First, I want to correct you on the child care issue; it was not the agreements that were torn up, it was the press releases of the previous government, which created thousands and thousands of child care spaces through its press releases. That is the first thing I want to say. Let's be honest.

Once again I want to state my conflict of interest since I have two children under the age of six. When I talk to parents of children under six, they are very pleased with this policy, very pleased that we trust them with the care of their children and that we respect their choice. In Quebec in particular there has been a great wave in favour of the Conservative government's policies since February 6.

INTERGOVERNMENTAL AFFAIRS

MANITOBA—RECOGNITION OF AGREEMENTS WITH PREVIOUS GOVERNMENT

Hon. Maria Chaput: Honourable senators, I wish to ask a supplementary question. With all due respect, Mr. Minister, in Manitoba it was agreements signed between Manitoba and the federal government. The francophone community that I represent here in the Senate met with me last week during break week and it is very worried that the agreements will not be renewed on April 1.

I do not have the relevant documents with me today because I was not expecting to speak. I could bring you the documents describing the cuts in French Manitoba because of the fact that the agreements will not be renewed.

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question.

As I said yesterday, I think it is clear that the Canadian electorate did not elect a new Conservative government to implement a patchwork of failed programs of the previous government.

Some Hon. Senators: Oh, oh.

Senator LeBreton: During the election campaign, we made our position on child care very clear and it included our intentions with the patchwork agreements that had been signed with some provinces. It is a fact that there was not one single daycare space provided.

With regard to Senator Chaput's question about the list of programs she feels would be cut, I am interested in seeing that list. I would like to provide an opportunity for the minister responsible for child care to respond definitively to the honourable senator's concerns.

THE ENVIRONMENT

KYOTO PROTOCOL—POLICY ON CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, earlier I described the lack of leadership in environmental policy on the part of our Environment Minister as bewildering. After weeks of watching her, I find I have to upgrade the description to breathtaking.

She began by telling us we were out of Kyoto. Then she said that she still wants to chair the international Kyoto committee, but she only wants to do it for one day and not 14 days. She cancelled our program for the reduction of greenhouse gases, which could have been done at $20 per ton. Minister Ambrose cancelled the program on the basis that it was inefficient, yet she replaced it with her transit bus pass program that will reduce greenhouse gases at $2,000 per ton.

Talk about patchwork, she was going to have a made-in-Canada environmental program, yet we learned yesterday that she is talking about allowing companies to trade credits in Europe. It is sort of like the weather that changes every 15 minutes.

Is there any kind of plan at all, or does the Minister of the Environment simply make up her policy based on the last person she spoke to?

• (1415)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will not comment on the tone of that question dealing with our young, intelligent, female Minister of the Environment.

Senator Tkachuk: Who is from the province of Alberta.

Senator Mercer: No policies; just talk about frills.

Senator Tkachuk: These are the press release boys.

Senator LeBreton: And they want this place televised. There is a person closer to television than Senator Segal who seems to want the chamber televised even more. He is sitting in the back row.

As I have stated previously, I am confident that it is quite well understood that the Kyoto Protocol commitments were not working, were not going to work and could not have been met. As I have said, emissions rose by 26 per cent since the protocol was signed.

Minister Ambrose represented her department and the government very well in Bonn. There was agreement by industrialized nations that the Kyoto Protocol was not realistic, and it is very encouraging that those industrialized nations, supported by the United Nations, are now reassessing the goals set in Kyoto.

As I have said in previous answers, the government is working on a made-in-Canada climate change program. Minister Ambrose is consulting, as she should, with people around the world, because this is a global problem, even though we want a made-in-Canada solution to deal with the problem.

Naturally, being the open, honest and smart minister that she is, Minister Ambrose comments on the presentations made to her in an open and honest way.

Senator Mitchell: It is breathtaking how defeatist this government is. Do the government and the minister not understand that, if you give capable and energetic Canadian people leadership and objectives as challenging and important as Kyoto, it is guaranteed that they will meet and exceed those objectives?

What kind of leadership is the government providing? It is providing no leadership.

Senator LeBreton: That is incredible. The Liberals were in power for 13 years. Where was their leadership? An Ipsos-Reid poll showed that 68 per cent of people do not know what the Kyoto Protocol means.

The honourable senator talks about leadership and inspiring Canadians. That is exactly what Minister Ambrose and the government will do. Furthermore, Canadians will not be confused about what we are going to do. We will present our plan in an open and honest way.

It is obvious that the previous government did not explain what Kyoto means, because 68 per cent of people do not understand the protocol.

Senator Mitchell: I can tell you about some people who do know what it means. There are major energy corporations in Calgary that are already on track to meet their Kyoto obligations. That 32 per cent understands the Kyoto Protocol.

What kind of leadership is this government providing to groups and people who have a lot to lose if they do not do it properly? What leadership is it providing to help them achieve these objectives, which they know they can achieve?

Have you forgotten about those guys?

• (1420)

Senator LeBreton: We were not the ones who forgot about "those guys", as the honourable senator says. We will work with "those guys" to ensure we meet our climate change targets.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM— COMMENTS BY LEADER OF THE GOVERNMENT

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I think I felt my hair bristle, and I certainly became angry, when I heard the leader say "child care advocates aside" — just gone, into the garbage or whatever, just out. The honourable leader then proclaimed that "parents are the best child care experts in the country." I think that was a first. All along we have heard the new government say that parents are the experts on their own children. Most of us can accept that. However, now the leader is saying that "parents are the best child care experts in the country."

Why has this new government decided to further denigrate the women and men who dedicate their lives to early childhood development and quality child care?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, when I said, "...parents are the best child care experts..." I meant that parents know what is best for their children. I suppose we could be splitting hairs as to what the interpretation is.

The intent of the government is to put money directly in the hands of parents and to work with industry to provide child care spaces, which the previous government did not do. They talked about it for 13 years, but they did not do it. The intent is to put money into the hands of parents to make the choices that they wish to make and not to pass hard earned taxpayer dollars from government to government, or from government to some advocacy group. That is all I was saying.

Senator Trenholme Counsell: I have a supplementary question.

I will repeat again from the *Debates of the Senate* yesterday, at page 368. The leader said:

As has been said many times, parents are the best child care experts in the country.

Maybe the comment was not well-phrased, but I believe that child care professionals and child care advocates deserve our respect.

I wish to remind the honourable leader that the 2004-05 system of quality child care, based on the finest principles of early childhood development accepted by all provinces and taking firm roots in fertile soil from coast to coast to coast and signed agreements in nine provinces — I am sure of that; I have the copies — promise to value —

An Hon. Senator: Signed agreements!

Senator Trenholme Counsell: Yes, signed agreements; not press releases. Of course, the honourable senator has not had much experience in government, but maybe he will learn. As I was saying, a promise to value those who care for our children when parents must work and that is 70 per cent of all parents. We also promised to provide additional training, professional development and improved workplaces, and we would hope improved pay, for all child care workers, many of whom are parents.

Will the Leader of the Government in the Senate apologize to all child care advocates, child care professionals and all those who work in daycares, family resource centres and in government for her derogatory and dismissive remarks of May 30, 2006?

Senator LeBreton: I thank the honourable senator for her question. I stand by my comments that "parents are the best child care experts in the country." As a parent, I think I was in the best position to decide what to do with my children and not have some so-called other expert tell me how to handle them.

FINANCE

REFERRAL OF BANKRUPTCY AND INSOLVENCY LEGISLATION TO BANKING, TRADE AND COMMERCE COMMITTEE

Hon. Yoine Goldstein: Honourable senators will recall that in the dying moments of the Thirty-eighth Parliament, four bills were presented to this chamber, one of which was an act to amend the bankruptcy and insolvency legislation of the country. Those four bills were passed in circumstances that we all recall, against the specific understanding that the bankruptcy and insolvency legislation would not be proclaimed until at least the end of June and that the government, upon the reconvening of a new Parliament, would immediately refer bankruptcy and insolvency legislation to the Standing Senate Committee on Banking, Trade and Commerce in order to have it acted upon and pursued.

Honourable senators will also recall that in 2003 the Banking Committee of this chamber produced an excellent report with respect to bankruptcy and insolvency legislation in Canada pointing to certain areas which required immediate remediation.

Bankruptcy legislation is framework legislation. It must necessarily be updated to keep pace with changing times and circumstances. It is fundamental to the proper operation of commercial Canada; it is equally fundamental to the proper protection of individuals who get into trouble as a result of the misuse, abuse or inability to deal with the credit system.

• (1425)

Bill C-55 was to have been referred to committee. It is fundamental legislation. Admittedly, it is not very electorally significant legislation but it is significant legislation for Canadians.

My question is: When will this government deal with bankruptcy and insolvency legislation? We have heard that it has been postponed until the fall, at the earliest. With respect, that is outrageous. Can the honourable leader tell the house anything about that?

Hon. Marjory LeBreton (Leader of the Government): I am almost tempted to ask the Chair of the Standing Senate Committee on Banking, Trade and Commerce to answer this question. However, I will take the question as notice because there have been discussions with the Chair and the Deputy Chair of the Banking Committee and the ministers. I do not have at hand the information for the honourable senator, although I know that some work has been done on this matter.

Senator Goldstein: Honourable senators, I have a supplementary question. The proposed legislation also contained measures to protect employees whose employer had gone bankrupt and permit them to recover monies — partially at the cost of secured creditors and partially at the cost of the Financial Institutions Supervisory Committee, FISC — of which they had been deprived because of the bankruptcy and insolvency of their employer. That protects Canadians and Canadian workers. I would ask the Honourable Leader of the Government, when will this government act to protect Canadian workers?

Senator LeBreton: If my memory serves me correctly, that was the portion of the bill that everyone was anxious to see pass, so that Canadian workers would be protected. I will take the honourable senator's question as notice and give him a full response tomorrow.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT— CONSULTATION WITH INDUSTRY

Hon. Pierrette Ringuette: Honourable senators, my question is for the Leader of the Government in the Senate. The Canadian forest industry is extremely negative about the current softwood lumber agreement because of the loss of jobs, money and hope for the future. The Alberta Forest Products Association told the House of Commons Standing Committee on Natural Resources on Monday that their association had not been consulted in this respect. Yet, yesterday, the honourable leader told this chamber that industry and the provinces are being consulted. Honourable senators, the honourable leader has misled us again. Perhaps she should get her facts straight.

Could the honourable leader tell the house why the Alberta Forest Products Association has not been consulted? Most important, could she advise her Prime Minister to speak in the interests of Canadians, and ask him to consult with his own provincial forest association?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am aware of the testimony yesterday, and that there is never a hundred per cent support for anything that any government does, no matter the colour of the political stripe. I understand that some smaller stakeholders in the industry have expressed concerns. Overall, however, the softwood lumber agreement has received overwhelming support from industry and from the provinces. Let us work our way through this situation.

The agreement is a hundred per cent improvement over the situation that existed before the signing, when there was such uncertainty and when industries were demanding to meet with government to resolve the issue. They did just that and this is a good deal, although it might not be to the full satisfaction of all.

• (1430)

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the oral questions raised in the Senate by the Honourable Jack Austin on April 27, 2006, regarding international trade, the proposed softwood lumber agreement and consultation with the provinces; by the Honourable Francis Fox on April 27, 2006, regarding the proposed softwood lumber agreement; by the Honourable Pat Carney on April 27, 2006, regarding the proposed softwood lumber agreement, consultation with the provinces; and by the Honourable Daniel Hays on May 17, 2006, regarding grains and oilseeds, availability of support funding.

INTERNATIONAL TRADE

UNITED STATES—PROPOSED SOFTWOOD LUMBER AGREEMENT—CONSULTATION WITH PROVINCES

(Response to questions raised by Hon. Jack Austin, Hon. Francis Fox and Hon. Pat Carney on April 27, 2006)

The Government has been working very closely with provincial governments and Canadian industry on elements of the agreement. Provinces were consulted and aware of discussions that led to the agreement in principle on April 27, 2006.

This agreement represents a negotiated outcome, which is in Canada's best interest. This agreement will provide a stable set of rules, predictability and relief from U.S. measures.

The Canadian industry will get over 80 percent of duties returned — more than US $4 billion. This represents the highest return ever achieved in negotiations to date.

Litigation is a lengthy process, and the results of litigation, including the full refund of deposits, are never guaranteed. In the absence of a negotiated settlement, litigation could continue well into 2008 and beyond.

The provinces have indicated their support for the agreement in principle. The government will be working closely with the provinces and industry stakeholders as further details are worked out in the coming weeks.

AGRICULTURE AND AGRI-FOOD

GRAINS AND OILSEEDS SECTOR—AVAILABILITY OF SUPPORT FUNDING

(Response to question raised by Hon. Daniel Hays on May 17, 2006)

This government is aware that many farmers, especially grain and oilseed farmers, are in need of immediate assistance so that they can plant crops this spring. On May 18, the Minister of Agriculture and Agri-Food and the Canadian Wheat Board officially announced three of the initiatives first outlined in the 2006 Federal Budget. One of these initiatives, the Enhanced Spring Credit Advance Program (ESCAP), will provide producers with the increased cash-flow they need to plant their crops this year.

ESCAP will double the maximum level of interest-free loans available under the existing Spring Credit Advance Program from $50,000 to $100,000 and extend the repayment period for these advances from December 31, 2006, until September 30, 2007. It is expected that, under SCAP, producers will have access to some $650 million in advances and that ESCAP will increase this amount to more than $1 billion for this crop year.

In addition, nearly $590 million has been paid to producers through the Grain and Oilseed Payment Program. Further, more than $560 million has flowed to producers through the Canadian Agricultural Income Stabilization (CAIS) Program since the beginning of January. Combined, these programs provide producers with significant levels of cash-flow for this growing season.

On May 18, the Minister also announced two CAIS-related Budget initiatives. The Minister is working with the provinces and industry to make the CAIS program more responsive until governments are ready to implement alternative income stabilization and disaster programs for 2007. These CAIS-related initiatives include $900 million to retroactively adjust how inventories were valued under CAIS for the 2003, 2004 and 2005 program years through the CAIS Inventory Transition Initiative (CITI) and another $50 million to expand the eligibility criteria for negative margin coverage under CAIS for the 2005 and 2006 program year. On May 23, the Minister announced the Cover Crop Protection Program, which will add a further $50 million to help those adversely affected by excess moisture during the 2005 and 2006 growing seasons.

Government officials are working as quickly as possible to put these initiatives in place so that this $1 billion in new federal money can begin to flow to producers.

[*English*]

ORDERS OF THE DAY

STATUTES REPEAL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Day, for the second reading of Bill S-202, to repeal legislation that has not come into force within ten years of receiving royal assent.—(*Honourable Senator Cools*)

Hon. Hugh Segal: Honourable senators, Senator Cools has given me permission to speak.

Some Hon. Senators: Oh, oh!

Senator Rompkey: Did you check with Stephen Harper?

Senator Segal: Honourable senators, inside the government caucus I have learned that seeking Senator Cools' permission is a wise and appropriate thing to do.

I rise today in order to voice my support for Senator Banks' motion to move Bill S-202 ahead, to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

None present in this chamber needs any advice from this new arrival on the legislative process. We all understand that the business of Parliament is to introduce, debate, amend, vote and

finally pass legislation that then receives Her Majesty's assent through the Governor General. It is at this point that the will of Parliament has been expressed. It is also the concrete demonstration of the will of the people through its elected representatives. When the delegation of authority to determine the date that the legislation comes into force is given to the Governor-in-Council, it is not unreasonable that there be some limit on how long that discretion can last.

Currently, such a limitation does not exist. Bill S-202 provides for such a limitation that would require the government of the day to revisit acts and sections of acts that have not yet come into force a decade after their passage. I suggest that such a provision is nothing more than common good sense. When legislation is left pending for years, the will of Parliament is frustrated.

When I learnt the Bible in the early days in parochial school in Montreal, my teacher used to say that the Ten Commandments were not 10 suggestions; they were not 10 bits of a consultant's advice; they were not 10 ideas to reflect upon; they were commandments. The case I make to honourable senators is that when the Parliament of Canada, the House of Commons and the Senate, passes legislation after due consideration in committee and throughout the entire process, and when that legislation is signed by Royal Assent into effect, the decision to delay is treating that legislation not as a law, but as a helpful suggestion from the Parliament of Canada.

This is not what Runnymede and Magna Carta were all about. Runnymede and Magna Carta were not about the King accepting helpful suggestions with respect to the disposition of the people's money. The authority that exists in this place and in the other place is part of the constitutional core of our democratic system, and that is why I am so enthusiastic about Senator Banks' proposed legislation that would allow us to assert the rights of Parliament and the rights of the people served by Parliament to constrain the executive from having endless and untrammelled discretion relative to when any law comes into effect.

Honourable senators, a few days ago in this chamber, we approved close to $15.6 billion in Governor General's warrants. Had Senator Cools not intervened, that might have been done in a single-digit count of minutes rather than a more reflective proposition. That is what has happened, not because of the fault of anyone in this chamber or for that matter anyone in the other chamber, but the prior control of expenditures is Parliament's fundamental core role under our system.

The notion that Parliament can pass laws which the executive can willy-nilly set aside, not just for legitimate technical reasons, but for however long they want, is a further denial of the democratic framework that should constrain what any government can do with the resources made available to it by this chamber and the place next door.

As honourable senators sit here there are three acts and provisions in 60 other acts that were enacted over 10 years ago, many more than 20 years ago, that have not been put into effect. I am quite sure there are myriad reasons for their non-enforcement. Some may be valid; others may not. The reasons are secondary to the fact that at some time Parliament saw fit to spend its effort on modifying existing laws or introducing new ones.

The requirements of Senator Banks' Bill S-202 are reasonable and fair-minded. The annual tabling of a report listing the acts and provisions of acts not brought into force by their tenth year, provides a full and open accounting of the work done in this place and in the other place. If the government of the day continues to have reasons for the non-proclamation and putting into effect of those laws, it gives them a normative, regular opportunity to state those reasons directly. It also affords an opportunity for this assembly to set those laws aside for good and substantive reason, rather than have them fill a pipeline of expressions and statutory directions that have been ignored by the public servants who are supposed to respond to the laws that come from this chamber and the other place.

There are, without question, circumstances and exceptions which may need to be addressed in this process. Clearly, the negotiation of international treaties falls into that category. The ratification of such treaties is often lengthy. While the government of the day may see fit to pass legislation relating to such matters, the subsequent negotiations may move at a much slower pace. Provisions can be made for these exceptions.

The public whom we all try to serve expects its representatives to be practical. More than ever they also expect openness from their government. Bill S-202, to Senator Banks' credit, provides both. It is impractical to allow legislation and legislative provisions that have been passed and given Royal Assent not to come into effect for more than a decade. This diminishes the value of the work done by everyone in this chamber and by our elected colleagues in the other place.

Parliament discusses, debates, votes, modifies, improves and passes all manner of laws that have to be treated seriously by the public service. If we let the opportunity of this bill pass, we will be saying that it does not matter to us that laws passed in this place sit on a shelf in perpetuity for public servants, unnamed, undisclosed and unaccountable, to dismiss any way they deem appropriate.

• (1440)

I ask honourable senators on all sides to consider embracing Bill S-202 for rapid disposition and to recognize the reasonableness of its core premises. This bill does not threaten the authority of government or the executive; it simply provides a means of accounting for the acts and provisions of acts that were duly passed and are now waiting in limbo somewhere in the never-never land of government delay.

It is important that the work done by all members in both Houses not be put aside. The laws of the land are evidence to the citizens of this country that democracy is working. Failure to move the work of Parliament forward is a denial of the will of the democratic process. It ties specifically to democratic legitimacy and respecting the will of the voters.

I salute Senator Banks for this initiative, the clarity and timeliness of his ongoing effort in this respect, and I am honoured for this side to support it.

Hon. Jerahmiel S. Grafstein: Will the honourable senator allow a brief question?

Senator Segal: I would be pleased to do so.

Senator Grafstein: First, I wish to commend Senator Banks and Senator Segal. This is an important and landmark bill. I understand that encapsulated within the bill is a 10-year period that allows the executive to make a rationale for why they have not proclaimed the particular laws. Do I clearly understand the heart of the bill?

Senator Segal: My understanding is that those bills that would come to the attention of this proposed legislation are those that have been delayed for 10 years or more.

Senator Grafstein: Is there a provision in the bill for future time frames with respect to proclamation?

Senator Segal: My understanding of the operation of the bill, and I would be glad to defer to my colleague across the way, is that when any bill hits its 10-year point, it would then be called into account by the provisions of this legislation on an annual basis.

Senator Grafstein: The difficulty I have, honourable senators, is that there are pieces of emergency legislation. For instance, as Senator Goldstein pointed out earlier in a question to the government, there was an emergency piece of legislation encapsulated or incorporated in the Bankruptcy and Insolvency Act to, in effect, liberalize the treatment of the Bankruptcy and Insolvency Act as it applies to employees, and we were caught by the bill because the bill could not be separated.

When this bill is referred to committee, would there be some consideration given to requiring, with certain bills, a more expeditious proclamation because it requires immediate attention? Otherwise, I feel that everything Senator Segal and Senator Banks have said about this bill is correct. However, occasionally, when the will of both houses of Parliament, assented to by the Governor General, speaks with one voice and it is an emergency — and I can think of a number of issues that are emergencies — perhaps they should be given better treatment than a 10-year delay.

Senator Segal: I thank Senator Grafstein for that question. I do not disagree with the premise he is advancing, it just does not exist in the content of this bill. This bill deals with existing legislation that has been passed and is now sitting on a shelf.

The notion that honourable senators may wish to consider another kind of proposition, I would argue that that is different from the purport of this bill, relative to the emergency and rapid deployment of any piece of legislation is completely compelling, but it is separate from the provisions that Senator Banks has provided for in this proposed legislation.

Hon. A. Raynell Andreychuk: The Standing Senate Committee on Legal and Constitutional Affairs has had a working relationship with Senator Banks on this bill. I do not believe that any honourable senator has disagreed with the intent of the bill; the concern is to make it workable so that the government would not incur unnecessary expenses bringing the proposed legislation into being. This bill has some of the same qualities as the act that addressed the attempt to bring our legislation into conformity in both official languages. The task is horrendous in many ways, but nonetheless, one that needs to be done.

I was rather intrigued that the honourable senator brought up an argument that we had not heard in the Standing Senate Committee on Legal and Constitutional Affairs, and that was that parliamentary will is thwarted when an act is not proclaimed. The difficulty that I have is that when I was sitting on the opposition side — and please forgive me, but perhaps that is where I am thinking from — often, we would say that we would allow a bill to pass, but we were concerned as to how it would be implemented. The government of the day undertook that they would not implement the bill until certain standards, guidelines or inferences that we suggested were met, whether that would be in reports or during informal discussion with them.

The honourable senator suggests that delaying enactment is thwarting parliamentary will. We have done that to ourselves in many cases. Why has he not chosen to discuss the subject that there are some good things in continuing the procedure?

Senator Segal: I thank Senator Andreychuk for that question. As a newcomer to the chamber, I was present when, for example, on the bankruptcy legislation, as Senator Goldstein mentioned earlier, there was a concurrence in this chamber that despite broad approval, there were difficulties and lacunae in the legislation that needed to be addressed. The Department of Finance undertook to bring back the matter prior to proclamation. I understand that, and the ability of legislators to request that, particularly when there are difficult technical issues to be addressed, is part of the genius of the proclamation process which can only follow after the regulatory drafting has taken place and various representations on different sides of an issue can be made so that the bill does not bring into effect measures which are counterproductive in any way.

I understand the purport of this legislation to be dealing with legislation that is already passed and signed into law by the Crown, and is then sitting on a shelf for reasons that are not always clear. We are saying that when that wait on the shelf hits an entire decade, either they have not been serious about the regulatory refinements or it is being held up for another reason and this chamber and the other chamber has the right to know why.

Hon. Anne C. Cools: Honourable senators, I wish to begin by thanking Senator Segal for his mighty words and for his characteristic wit. Senator Segal has a capability similar to that of the late Senator MacQuarrie for using wit and humour. It is a wonderful skill and talent. I encourage Senator Segal to continue to do it.

I supported this bill in previous sessions of Parliament. I told Senator Banks that I wished to speak to it. Senator Segal did not need my permission to speak today, I just yielded the floor to him, but since he thought it was permission, it was very easily granted.

I wish to thank Senator Banks especially for placing before us a subject matter that, quite frankly, many senators had not paid much attention or given any thought to. During the Senate Legal Affairs Committee, as we held hearings on previous incarnations of the bill, it became crystal clear that not many senators had thought much about the number of bills that may never have been proclaimed or had never been called into force.

I appreciate Senator Andreychuk's concern, which is extremely valid, where the ministers agree not to proclaim a bill until certain other considerations and wishes have been met. However, Senator Banks' intention is far wider than that. The intention of Senator Banks' with this proposed legislation is to deal with acts that have already been passed, and for some reason, the government— really has perhaps changed its mind. I know of a particular bill that was passed, given Royal Assent in another jurisdiction, and has never been proclaimed because the same government changed its mind in a policy way.

• (1450)

These are the questions that Senator Banks places before us. Senator Banks raises important constitutional questions about the role of Parliament, about the proper relationship between the cabinet and Parliament, and about the balance and purpose of the Constitution. He is also raising a not insignificant question about the phenomenon of the expense of the entire process just to have an act sit somewhere parked waiting for a proclamation that may never come.

We learned in the committee hearings that there have been many more of these acts and nobody really knows how many. I think it is an important matter that raises very important questions.

When the government has changed its mind on policy questions, it raises for me a consideration of what used to be called "the dispensing power." When kings did not like parts of acts that were passed, they would simply dispense with those portions of the acts that they did not like. It would be inaccurate to describe this as a dispensing power, but it certainly could be described as a suspending power, where some individual has essentially suspended the calling into force of an act. It is not crystal clear who that person might be because it appears that many ministers did not know about a lot of these acts — but, some individual, perhaps a minister, perhaps a few ministers, perhaps departmental heads, essentially suspended the calling into force of an act.

That is a mighty power. I am not sure it is one that Parliament ever intended to invest in anyone. Parliament never intended to invest anyone with the power to be able to suspend what Parliament had done.

Having said all of that, I thank Senator Banks for raising these questions. As I said before, they are very important constitutional questions. God knows, we are living in an era where Parliament, both Houses, has been so degraded and debased to the extent that there are many cabinet ministers who cannot even speak in the language of Parliament.

[Senator Cools]

I believe that the biggest problem that most modern governments face — and I have watched this consistently now for a couple of generations — is that, for the most part, ministers and prime ministers know very little about Parliament. Most of the difficulties that prime ministers and cabinets run into have to do with their lack of familiarity with Parliament. That is one of my own pet peeves and concerns. We see bill after bill come before us, and that absence of knowledge is pretty clear.

For example, just a couple of weeks ago, Senator Bryden was speaking about the animal cruelty situation and his animal cruelty bill. I believe that the primary reason that bad bills and bad laws are passed is that the government has no knowledge of the workings of the law of Parliament and the law of the prerogative, and how those two systems of law should work together to produce good statutes. That is why we have had some outlandish bills come before us.

Unfortunately, because prime ministers and governments have also consistently weakened the position of the Governor General into nothing more than a mere servant of the Prime Minister, we have had situations where Governors General give assent to bills that they should not give assent to. It is a complex issue and it raises many important considerations.

To that extent, Senator Banks, I am prepared to cut short my remarks and allow you to close the debate so that the bill can go to the Legal Affairs Committee and we can begin the committee study, reinforced and buttressed by the fact that the government has taken some interest in and is supportive of this bill.

I would also like to say to Senator Banks that the parliamentary practice is that when governments decide that they support private members' bills, they put their support behind that bill, and eventually take it upon themselves to reintroduce it under the notion of ministerial responsibility.

If you remember when Bill C-250, to amend the Criminal Code regarding hate propaganda, was passed here in the chamber, I questioned the fact that the government was supporting a bill yet was not doing the proper constitutional thing, which was to adopt the bill as its own and move it through the chambers under the notion of ministerial responsibility.

In the instance of Bill C-250, it was passed with the support of the government, but in the absence of any minister ever taking responsibility, which I thought was rather pernicious at the time. I forget the name of the act, but it was the one that included hate crimes and sexual orientation.

In any event, honourable senators, Senator Banks has done a stalwart job. The subject matter that he has tackled in this bill is not subject matter that new senators usually take on. I may not have said this to you before, Senator Banks, but when you embarked on this initiative I held you in great esteem, and I had great admiration for you because the subject matter demands a fair amount of exertion and study. I have never said that to you, but I thought I would say that to you today.

Thank you, honourable senators.

The Hon. the Speaker: Honourable senators, I wish to inform the Senate that if Senator Banks speaks now, his speech will have the effect of closing the debate on the motion for second reading of this bill.

Hon. Tommy Banks: Thank you, honourable senators. Thank you, Senator Segal, and thank you, Senator Cools, for your very kind words, which gratify and flatter me.

Senator Cools has said better than I what the point of this bill is. It is nothing less than the supremacy of Parliament.

It has been the case, without malice or Machiavellian intent, I am sure, that successive governments have from time to time, whether through inadvertence or otherwise, flouted the expressed will of Parliament. If Parliament cannot pass acts into law in the reasonable expectation that they will be brought into force within a reasonable amount of time, then we should all go home and elect 10 people to run the country, which we do not do any more.

However, there have been important questions raised in this last little debate that I would like to address very briefly before I move that we send this to committee for study. First, with respect to what Senator Andreychuk raised, there are circumstances in which it is important that we have delays of one kind or another in the bringing into force of legislation. Senator Grafstein raised other instances in which there is a matter of urgency and importance that requires that things be done in very short order.

I must remind honourable senators that as Senator Segal quite correctly said, this bill refers always and only to legislation that has received Royal Assent 10 years before the date on which it comes to the attention of Parliament. It gives the government of the day the opportunity to come and argue why it should continue to have the discretion granted in that bill.

Honourable senators, we must remember, in respect of Senator Grafstein's comments, that this bill does not address the question of urgency on a given bill. In that respect, we have hoisted ourselves on our own petard. Every time a bill comes before us that is not going to come into force on a date certain as set out in the bill, there is that coming into force section which grants to the government the unfettered discretion to bring the act into force at a date and time determined by the Governor-in-Council.

• (1500)

The effect of this bill simply says that after that discretion has been granted by Parliament, one has up to 10 years to decide when, but not whether, to bring this act of Parliament into force. That is the important distinction.

Honourable senators, we must be careful when we see bills before us that require urgent attention. We must look at that little coming into force paragraph. When it requires that the delegation of that discretion be given to the government, we have to be sure that we want to do that. I will do that, for one thing, by looking at that provision in future bills that come before us after, I hope, this bill is passed by this house. We must look at the typical coming-into-force provision and add some words at the end of it after it says; "Shall come into force on a date to be determined by the Governor in Council..." We must be sure to add that it shall come into force no later than a date certain upon which the bill would be automatically repealed or brought to the attention of Parliament.

We have to deal with those questions on a per occasion basis.

When we grant a discretion, subject to this bill which I hope will become an act, it will not be longer than 10 years before we have to hear about it again.

I thank honourable senators again for their kind comments. I have great pleasure in moving second reading of this bill.

The Hon. the Speaker: Senator Banks having spoken and the house having been advised that should he speak that would conclude the debate.

Senator Cools: Senator Banks can answer questions.

Hon. John G. Bryden: Honourable senators, I am curious. We have been referring to Parliament and the will of Parliament being somehow abused. Section 17 of the Constitution Act states: "There shall be one Parliament for Canada consisting of the Queen, the upper house styled the Senate and the House of Commons."

Parliament is the Crown, the Queen; us; and the other place. When a bill is assented to by the Queen's representative, and in that bill it says, "it shall come into force on a day to be fixed by the Governor in Council", the Queen with council, how can that, for however long it would last, become an abuse of Parliament since the top member of Parliament is the person who is going to act on it?

Senator Banks: I thank the honourable senator for his question. It is a good one. "Abuse" is not a word I ever used. I have used "flouted, "ignore" and sometimes "forget." While governments, as Senator Cools suggested, have from time to time changed their mind, I do not think it is within the purview of the government to change its mind without changing Parliament's mind. Parliament having spoken, I do not think it has delegated to the government the right to change Parliament's mind.

When Parliament grants to the government an unfettered, unbridled, unlimited discretion to determine when an act comes into force, ignoring that act or failure to bring it into force can, by definition, constitute an abuse, since the right was granted.

This bill seeks to circumscribe that right and to say "notwithstanding the right having been granted" and this is where the distinction comes in. The right that was granted was not to determine whether the act should come into force, but when. I have arbitrarily suggested that a reasonable amount of time would be 10 years. It could be 15 or 20 or even five. There should be some circumscription of the time for which that authority has been delegated by Parliament to the government and to the government after that and to the government after that and so on. As Senator Segal pointed out, we are now in some cases, with respect to the legislation that presently would be caught by this bill, in the sixth government following the government that introduced and passed the act of Parliament. It is a restraint on that delegation of authority.

The Hon. the Speaker: Further questions and comments?

Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Moore, for the second reading of Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes).—(*Honourable Senator Comeau*).

Hon. Pierrette Ringuette: Could I have a time frame as to when the opposition will be speaking on this bill?

Hon. A. Raynell Andreychuk: The opposition?

Senator Ringuette: Sorry, I meant the leaders.

Hon. Gerald J. Comeau (Deputy Leader of the Government): In the fullness of time.

Order stands.

• (1510)

[*Translation*]

THE SENATE

MOTION TO ACCOMMODATE SENATORS SPEAKING
ANCESTRAL LANGUAGES—DEBATE ADJOURNED

Hon. Eymard G. Corbin, pursuant to notice given April 6, 2006, moved:

> That the Senate should recognize the inalienable right of the first residents of the land now known as Canada to use their ancestral language to communicate for any purpose; and
>
> That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language may do so.

He said: Honourable senators will recall that in the previous Parliament, I introduced a similar motion that focused on the use of Inuktitut by two of our colleagues during Senate debates.

All parties in this chamber supported the motion. The issue was referred to the Committee on Rules, Procedures and the Rights of Parliament. The committee studied the content of the motion during several regular meetings, and then formed a subcommittee to study the proposal in detail.

Once again, all members of the committee supported the purpose of the motion, but some raised the question of the estimated cost of providing such a service. A Senate administrator appeared before the committee and confirmed that it would cost the Senate a million dollars to go ahead with this measure.

We realized that it might cost $1 million to renovate certain aspects of the architecture of the Senate chamber. We know what federal government work can cost, but that is an aside.

In principle, there do not seem to be any major problems. During the last sitting, the committee went to the interpretation booth on the fourth floor of this building. The senators were somewhat surprised at the poor quality of the booth. We have to admire the interpreters for working in such conditions.

It seems that sometime in the past better physical facilities were promised so that our interpreters could do a good job. After this visit we realize that the booths need to be enlarged or possibly new ones have to be built. Various solutions were proposed.

In principle, there do not seem to be any obstacles to providing interpretation in French and English of the Inuktitut language for our two colleagues whose mother tongue that is. This language existed before Canada was formed and these people occupied a territory before the conquest. Since we all know what happened, there is no need to go over it again.

An important principle is at stake here. We appoint to the Senate individuals from Canada's North where Inuktitut is predominant. It is the language used every day. It is the mother tongue. It is taught at school. Despite the fact that there are two official languages in Canada, I feel we should respect these individuals by acknowledging their inalienable right to be able to express themselves in their mother tongue.

The institution must provide them with interpretation. They should not be required to conform to imposed standards. Their language existed before the arrival of French, English and all the other languages and cultures in Canada over the centuries. This is not a privilege, but a natural right and it is time for the Parliament of Canada to recognize this right.

In Europe, rules have been established and budgets provided to preserve regional languages. In Canada, we have treasures. Anthropologists and linguists can tell you this. In fact, French and English contain many terms borrowed from the aboriginal languages of this country.

I was somewhat perplexed by the way the residential schools issue was resolved. Over a billion dollars was allocated specifically to compensate aboriginal students who were mistreated at school in general.

Money is all well and good, except that we cannot take it with us to eternity, if there is one, when we die. Money does not solve everything. In order to truly make amends for mistakes from the past, we must focus on basic human rights. In my opinion, the right to be able to speak in one's mother tongue should take precedence over many other considerations, including monetary concerns.

If you want to make honourable amends and create a legacy to atone for errors from the past, you must today recognize our two senators' right to express themselves in their mother tongue. This is something that endures longer than any sums of money. I am not criticizing the settlement reached between the government, the institutions and Aboriginal peoples. That is not the issue. I am talking about something more fundamental.

Allow me to return to my initial proposal. The Standing Committee on Rules, Procedures and the Rights of Parliament studied the motion, but did not report to the Senate in time before the elections were called. Here we are today with this proposal before us once again.

What I am proposing is not that this issue be sent once more to the Committee on Rules, Procedures and the Rights of Parliament, but that the Senate adopt this motion immediately. We all know what the problem is. I believe we can all agree that it would not cost a fortune to establish an interpretation service to accommodate two specific senators. If other senators wish to extend the use of Aboriginal languages to all other senators who so desire, I would not object.

[*English*]

Money is not the issue. We are talking about respecting basic, natural rights. We can talk all we want about various other issues, but if we do not allow colleagues to express their hearts and souls in their maternal language, we deprive them of participating as efficiently as possible in debates on legislation, studies and other matters.

• (1520)

I need not say anything else. I am asking the Senate to make a decision and to order the administration of the Senate to set in place the interpretation facilities that are required to allow any senator who wishes to use his native language, to do so.

Hon. Charlie Watt: Honourable senators, I wonder if Senator Corbin would accept a question?

Senator Corbin: Yes.

Senator Watt: First, I should like to indicate my appreciation to the honourable senator for raising this matter again. It would go a long way in terms of facilitating both Senator Adams and me. However, there is one issue that remains — and we have dealt with this in committee; namely, what about the other languages? I am raising this question since that could be used as a stumbling block to prevent us from pursuing this issue, if we were compelled to take into consideration other peoples' languages. However, those people are not here. I am not sure if either Senator Sibbeston or Senator Gill speaks their mother tongue. If they do not, then that is fine. However, a number of Aboriginal people have lost their language over the years.

Inuit is very healthy within the international community. I would like honourable senators to know that the language of Inuktitut, in the international community, is one language. There is a variation in dialects that cuts across many lands, from Siberia, to Alaska, to Canada, but it is one language. We have been able to communicate, and I do not think our language is about to disappear. We are a very determined people in terms of keeping our language alive.

Inuktitut is also being used as a language of instruction in classrooms. That practice has been in place since we signed a deal with the Government of Canada and the Government of the Province of Quebec in regard to the well-known James Bay/Northern Quebec agreement. From there on, we managed to take control of our own educational system. The language of instruction is Inuktitut, and therefore, it has continued to grow.

The same thing applies in Nunavut. Many of our people in the North would be thankful if, one day — and I heard an honourable senator say the other day that we will soon have cameras in the chamber — they could follow our proceedings. Right now, they have televisions in the North, too; people do not necessarily live in an igloo but in a house.

Could the honourable senator answer my question in relation to other peoples' needs? I understand today that there are only two people who really need assistance at this point in time.

Senator Corbin: I thank Senator Watt for his question. The other senators were approached and were asked if, from time to time, they would like to speak their — let us call it their native language. Most of them indicated that, indeed, they could well do that. I do not think the response was such that they would do so all of the time, or that they felt impelled to do so most of the time.

I think we should let that matter rest. History tells us that things evolve over time, for one reason or another. Peoples' minds open up, as do their hearts. We accommodate each other because we like to get along together as nations, too, I should say, in this particular instance.

I cannot speak for our other colleagues, to answer the honourable senator directly. However, most of them rose during the debate and indicated support. Some of them did so as well in the committee. The record of the proceedings of the committee will show that they were all approached and they gave various responses.

What moved me, first and foremost, was to allow both Senator Watt and his colleague to avail themselves of this service because, more than any other of the so-called Aboriginal senators in this place, you are the ones who have the greatest facility in your

native language. Indeed, there are times when you search for words in English and you cannot find them. You cannot translate what goes on in your mind. You have great difficulty. We have had the experience of Senator Adams reading or speaking in Inuktitut and you, Senator Watt, standing beside him reading the English version. I thought that was helpful on your part, but distasteful in terms of having to do that in this institution, the upper house of the Parliament of Canada. If we provide translation for English and for French, we should do it as well for native languages for those senators who wish to use it.

My motion is not limiting. I suppose, like a mushroom, it can expand both underground and above ground. It is strictly a matter of goodwill. I hope that the Senate will give due consideration to the proposal and facilitate its coming about in the very near future.

The Hon. the Speaker: Senator Corbin's time has expired. If we wish to continue debate, or if there are further questions —

Senator Corbin: Five more minutes, please.

The Hon. the Speaker: Senator Corbin is prepared to ask for an extension of five minutes. Is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: There is a question from Senator Smith.

Hon. David P. Smith: I was about to make a brief report on where the work of that committee wound up.

The Hon. the Speaker: Right now, we are on an extension of time for Senator Corbin. If there are no more questions or comments —

Hon. Jerahmiel S. Grafstein: I have a brief question, and that is the question of equality under the Charter. I do not think we can unilaterally suggest that we have two colleagues who wish to assert their particular rights without ensuring or satisfying ourselves that there is equality of rights with respect to others in this chamber who wish equal access to their mother tongue. I would hope that you would give this some consideration, because I do not think we can adequately support the senators who speak their native tongue without knowing whether there are other senators who may have equal rights. That should all be put before us at the same time so that we can fully understand the contours of the solution.

Senator Corbin: I thank Senator Grafstein. I am neither a lawyer nor a constitutionalist. I am a pragmatic, practical person. All I see is a need here and now. I would like to find solutions to satisfy that need.

• (1530)

My motion does not apply to so-called European languages. It deals strictly with Canadian North American, if you wish, native languages. As far as equality goes, I said I had no objection — and I think the members of the committee generally spoke to that effect — to extending the interpretation services to other Canadian native languages. Therefore, the equality criteria would be well met, in my opinion, should the Senate decide to go that way.

Senator Smith: Honourable senators, it might be helpful to honourable senators to have a short update on what has happened. When this matter was referred to the Standing Committee on Rules, Procedures and the Rights of Parliament, a small committee was struck consisting of Senator Di Nino, the current Chair of the Rules Committee, Senator Joyal and me. The first thing we tried to do was get a better understanding of the extent to which senators wished to use such an accommodation. At the outset, we had thought that it could be done on a fairly economical basis when, for example, a committee member chose to speak an Aboriginal language. As well, it was agreed that all Aboriginal languages would have equal status, whenever there was such a request. Would this service be available for all times that the Senate is in session? Would it be available at committee hearings as well? Would it be for special occasions only, when a senator would give notice of intent to make a speech in an Aboriginal language? The necessary facilities could then be put in place in preparation for the occasion.

Some senators might be aware of the situation in Yellowknife, where they have as many as seven or eight interpreters, I believe. The cost was high to provide the facilities, so I believe the service was reduced somewhat, but I am not up to date on the matter. The Rules Committee had hoped to look at that experience. We canvassed Aboriginal senators and there were several, in addition to my two colleagues, who said that, on special occasions, they would like to be able to use their Aboriginal language. However, they were quite satisfied with providing the Senate with a reasonable period of notice in order that we might hire translators, rather than have them on a full-time basis when the Senate is sitting.

We tried to get a sense of the cost of such a service if it were to be provided on a permanent basis, to all committees and on a unionized basis. The cost would be high, so the matter was referred to committee to try to determine a more precise figure and to define as clearly as possible what was reasonable, practical, respectful and fair. However, Parliament was dissolved at the call of an election before we had any definitive answers on the matter.

The new session began and the Rules Committee resumed. Senator Corbin, in the meantime, had put this motion on the Order Paper so that the matter was not revived by the Rules Committee. As a committee, we were waiting to see what the Senate as a whole would do with the issue. Certainly, there was a clear consensus that whatever was decided, there had to be equal offerings for anyone who wished to use any Aboriginal language. However, it was necessary to define the extent of the need and to estimate the costs, as reasonably as possible, before we could move forward.

Hon. Willie Adams: I would like to add to Senator Smith's comments. Senator Watt and I have never requested Aboriginal witnesses to appear before the Rules Committee. I have an understanding of circuitry because I was an electrician, although I do not know the specifics of the wiring in the chamber. I would guess that there must be a booth that could be used for the translator, although costs would be incurred to make the space suitable for another translator.

If the position were designated permanent, I do not know what the salary would be but certainly it would compare to other interpreter positions in Ottawa. I do not know whether there are as many as seven or eight Aboriginal interpreters in Yellowknife now because, after the territory was split and Nunavut was created, many of them left.

A person hired by the Senate as a translator would be part of the staff like the current translators. We have numerous witnesses from Nunavut appearing before Senate committees, such as Fisheries and Oceans, in Ottawa, and we need translators. Persons hired for the position could work in committees as well as in the chamber. I do not know how much it would cost for the materiel and human resources but it would not be $1 million. Much would depend on the kind of equipment installed and the extent of any renovations. We have no trouble accommodating translators in the Aboriginal Committee room, 160-S. I do not think the cost would be a big deal.

Hon. Gerald J. Comeau (Deputy Leader of the Government): In reference to the comment of Senator Adams, when the Senate Fisheries Committee did a study of the North, it had interpreters for English to French to Inuktitut — three-way interpretation. If the committee does look at these issues, they might find the experience of the Fisheries Committee helpful.

On motion of Senator Comeau, debate adjourned.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES DEALING WITH DEMOGRAPHIC CHANGE

Hon. Jerahmiel S. Grafstein, pursuant to notice of May 30, 2006, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce which was authorized by the Senate on May 2, 2006 to examine and report on issues dealing with the demographic change that will occur in Canada within the next two decades, be authorized to retain until July 31, 2006 all powers necessary to publicize its findings.

He said: Honourable senators, this is a very simple request to allow an extension of the committee's budget for a particular study to be extended to July 31. Honourable senators will recall that the committee held its hearings during the previous session of Parliament, which was dissolved. The committee was to consider the report on demographic studies today and tomorrow, with the hope that it could be completed in time. However, it would seem that the time available is not sufficient. It will likely take until the end of July to complete and publish the report in both official languages. Therefore, we need the expenditure to be extended to July 31. This is not a request for additional expenditure but, rather, an extension to July 31 of the expenditure that was previously authorized.

Hon Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I find Senator Grafstein's explanation entirely reasonable so I do not rise in opposition. However, as I read the wording of this motion, I am not certain that is exactly what it says. The motion contains a request for an extension for powers necessary to publicize the findings of the committee. It is my understanding that the honourable senator requests an extension to enable the committee to report and to publicize. Is that true?

• (1540)

Senator Grafstein: Honourable senators, it is our expectation that we will complete the report within the next week or ten days. You will recall that there is an onus on each senator who is chair of a committee to be responsible for publicizing the report. We will need some time afterwards to be able to properly publicize it. In the next couple of days we hope to have a very important study on consumer protection. We do not want the two studies to be released too close together because we think we lose out on the publicity if we release two of our studies back to back. Therefore we are hoping to leave some space between the release of the two studies to allow adequate opportunity to fully publicize each study from coast to coast to coast.

Senator Fraser: On a point of clarification, is the committee planning to report within its deadline, and is that report just for publicity purposes?

Senator Grafstein: Exactly.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

MOTION TO AUTHORIZE COMMITTEE TO STUDY SOFTWOOD LUMBER AGREEMENT— DEBATE ADJOURNED

On Motion No. 70:

> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;
>
> That the Committee analyse, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers.

MOTION IN AMENDMENT

Hon. Pierrette Ringuette: Honourable senators, with leave of the Senate and pursuant to rule 30, I move that the motion be amended to read as follows:

> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;

That the Committee analyse, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers.

That the Committee report to the Senate no later than October 2, 2006.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted, honourable senators.

Senator Ringuette, pursuant to notice given May 30, 2006, moved:

That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;

That the Committee analyze, among other things, the impact on Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers.

She said: Today I have the honour to begin the debate on this motion, which proposes that the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber.

I would like the committee to analyze, among other things, the impact on Canadian sovereignty over resource management, the impact on the interpretation of chapters 11 and 19 of NAFTA, and the measures in the agreement relating to financial support for the industry and its workers.

[*English*]

As you know, an article in the *Winnipeg Free Press* on Saturday, May 13, pertaining to a media interview of Minister Emerson held in Vancouver, reported him as having said:

Provincial governments will be expected to vet any forest policy changes through Washington under the terms of the new softwood lumber agreement...

Those are the words of the International Trade Minister, David Emerson, as a member of the Conservative government. Surely it is not respectful of the Canadian Constitution in regard to provincial jurisdiction to cede our provincial sovereignty to Washington. This deal does not represent a solution for Canada. It represents our surrender to the U.S.

Why was it that the Conservative International Trade Minister, David Emerson, who held the same portfolio in the last Liberal government, recommended the rejection of the same type of deal because it was not good enough for Canada? Why is it that the deal is now good enough?

Honourable senators, being able to study this proposed softwood lumber deal would give us a chance to see why the Harper government is ready to give up our provincial and national sovereignty over the management of our natural resources. Even the Canadian forest industry said that the package's so-called anti-circumventing clause could give the U.S. government a veto on changes to provincial forestry policies, and thus impinging on Canadian sovereignty.

It sure did not take the Prime Minister long to surrender Canada's industry in the hope of scoring cheap political points with the U.S. The terms of this agreement were unacceptable to the Conservatives when they were in opposition. Why are they acceptable now? The best the Conservatives could achieve was a deal that the Liberal government rejected. The Conservative government even caved in to the U.S. government in agreeing to a softwood lumber deal that would see the Americans keep over $1 billion of the tariffs illegally collected at the expense of the Canadian industry, half of which will go to the U.S.-based lumber coalition to compete against our own lumber industry and lawyers.

Here is an interesting quote from Mr. Harper, no less, when he addressed the Conservative national caucus in Halifax on September 7, 2005. Mr. Harper said:

There can be no question of Canada returning to a conventional bargaining table, as the U.S. Ambassador has suggested.

You don't negotiate after you've won.

The issue is compliance.

And achieving full compliance should be the objective of the Prime Minister

That was Stephen Harper when he was Leader of the Opposition, of course, but that was not so long ago; it was just last September. When the Conservatives were the official opposition, they demanded that the U.S. respect NAFTA rulings that were in Canada's favour, that Canada settle for nothing less than full compliance and that we even refuse to continue to negotiate, but it did not take long for Prime Minister Harper to cave in to his American Republican friends. This government owes it to Canadians to achieve nothing less than what they promised: Free trade and a 100 per cent refund.

Why is it that, back then, Mr. Harper did not want to negotiate, and now he has not only negotiated, has given away Canada's sovereignty and over $1 billion collected by the Americans at the expense of our Canadian forest industry? Thanks to this government's softwood sellout to the U.S., Canada's forestry policy must now be vetted by Washington. This so-called deal clearly shows the government's strength is capitulation, not negotiation.

By caving in to this deal, Prime Minister Harper is wasting years of work that the Liberal government and the Canadian forest industry have put into making sure Canada got the best deal and that our lumber industry was protected. By catering to the U.S. forest industry, they can now do research and development and market strategy so that they can be more aggressively competitive against us in the global marketplace.

On May 15, as a result of the proposed softwood agreement yet to be signed, our own Canadian forest industry had no choice but to file a lawsuit against this Tory government — against their own government — because they have turned their backs on the industry and gone along with the American protectionist lumber plan.

• (1550)

Our Canadian forest industry is saying that the Tory government and the American government have conspired against Canadian private industry. Had we not stopped the litigation, we would have eventually recovered all of the money that the Americans took from our industry. We were so close to winning again. Unfortunately, this deal wants to eliminate all Canadian victories, past and future. This agreement is nothing more than a political agreement without being a reliable commercial agreement. Some estimates go so far as to say that up to 20 per cent of our sawmills and our jobs will go out of business because of this agreement.

As Jamie Lim of the Ontario Forest Industry Association puts it, we expect to suffer, and suffer significantly, under the terms as they are now written. Moreover, the deal that is written now has no hope of exit. Policy reforms are subject to U.S. judgment and to U.S. veto, and there is no termination clause.

Honourable senators, we cannot afford short-term gain for long-term pain. This Conservative government wants to speed up the process and sign this deal by June 15. However, to proceed quickly is risky, because we risk not getting it right. If we do not get it right, then this deal will turn out to be worse for our Canadian forest industry. The Americans want to speed up this deal because a deficient agreement will work to their benefit and to the absolute disadvantage of the Canadian forest industry.

We have to be aware that we have only one chance to get this right, and if we try to rush through, and this deal turns out not to be a reliable commercial agreement, then Canadians will pay the price and live with the consequences.

Industry representatives have stated that the proposed softwood lumber deal is worse and will make them suffer more than the current situation. Mr. Carl Grenier, the Executive Vice-President of the Free Trade Lumber Council, has declared that the basic U.S. objective of the agreement is to erase the last four years of litigation, to eliminate all Canadian legal victories and to replace them with the same old legal assertions that the U.S. industry has been making for the last 25 years. They want to be ready for another trade war on this issue as soon as the current deal fails or expires, and they want to wipe out any advantage Canada may have gained from defending itself during the last four years.

The Conservative government has invested $1 billion into the American forest industry, and they can now do research and development with the money from our Canadian companies. Not only did our Canadian forest industry lose $1 billion, but the Conservatives also decided to remove from their budget the previous government package worth almost $1.5 billion designed to help Canada's forest industry remain strong and sustainable.

In November 2005, the Liberal government flatly rejected the same deal because it was not in the best interests of Canada. This so-called deal means $1 billion of Canadian money can be used against us to impose unfair restrictions on Canada's lumber industry. By agreeing to this flawed deal, the Prime Minister has sold out the Canadian lumber industry. This deal represents the Prime Minister caving in to the U.S., not solving the softwood lumber issue for Canada.

As with all agreements, the devil is in the details. We strongly suspect that there are more devils in the details of this deal than the Prime Minister is letting on. This deal does not reflect free trade. We are at the mercy of the U.S. The fact that we would cave in like this is disappointing. Despite my position on this issue, this motion is not a debate on the agreement, but on the possibility for this chamber to analyze what the government is agreeing to on behalf of all Canadians.

Numerous members of the Conservative Party shared views that negotiation must proceed quickly with our U.S. counterparts in order to finalize the details of the Softwood Lumber Agreement. Many members of the government in place believe that we must blindly put our faith in the hands of the executive and accept any final deal that may be aligned with the already-proposed draft. I believe that there is a requirement for transparency — we remember that word, "transparency" — and the need for, at the least, an examination of this agreement.

Some Hon. Senators: Oh, oh!

Senator Ringuette: I seem to have just touched upon an issue here, have I, "transparency"? How cute.

I believe there is a serious requirement for transparency and the need for at least an examination of this agreement and its consequences on our industry and its workers by this chamber.

Canadians want good governance. They want to know the content and consequences of agreements that the government will sign on their behalf. They want greater openness and transparency, and they want to be able to hold Parliament, their government and public sector officials to account for results. In order to do so, it is the role of parliamentarians to examine and analyze the issues. The House of Commons is already listening to the stakeholders, and yet, because of the Leader of the Government in the Senate, this chamber has sat idle on the issue.

I have asked six times for the Leader of the Government in the Senate to table the proposed Softwood Lumber Agreement and to refer it for full study to the Standing Senate Committee on Banking, Trade and Commerce, but to no avail.

Some Hon. Senators: Oh, oh!

Senator Ringuette: That is why I now move that this deal be referred to the Standing Senate Committee on Banking, Trade and Commerce today.

Some Hon. Senators: Oh, oh!

Senator Ringuette: Honourable senators, in the spirit of openness, transparency, accountability and fairness I would also like to table, for all of you to be able to read —

Some Hon. Senators: Oh, oh!

Senator Ringuette: Honourable senators, may I? I am sorry that I am disturbing you, but I wish to continue. Thank you.

Some Hon. Senators: Oh, oh!

Senator Ringuette: Please shut up.

The Hon. the Speaker: I regret to inform Senator Ringuette that her time has expired.

Some Hon. Senators: Order, order!

Senator Ringuette: I have one more minute, Your Honour.

The Hon. the Speaker: Order. Senator Ringuette is indicating that she would like to have one more minute to speak. There is also a request to table a document, so I will deal with the latter first.

Senator Ringuette: This is fun. Honourable senators, for your interest, I would also like to table, along with my motion, documents that I have received in a brown envelope.

• (1600)

These envelopes, I believe, contain drafts, in English and in French, of the proposed softwood lumber agreement. They are 25 pages in length.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Leave is not granted.

Senator Fraser: Read them.

Senator Ringuette: Do I have four or so minutes left? Very well. The document says:

SOFTWOOD LUMBER AGREEMENT
BETWEEN
THE GOVERNMENT Of CANADA
AND
THE GOVERNMENT OF THE UNITED STATES.

The Government of Canada ("Canada") and the Government of the United States of America ("United States")

HAVE AGREED AS FOLLOWS:

ARTICLE I
OBJECTIVES

The objectives of this Agreement are to:

1. eliminate all current litigation and prevent disputes arising from trade of softwood lumber products between Canada and the United States;

2. facilitate and encourage mutual beneficial trade in softwood lumber; and

3. foster competitive conditions in the North American softwood lumber market, the expansion of existing markets and the growth of new markets for softwood lumber (and participate in meritorious initiatives).

ARTICLE II
SCOPE OF COVERAGE

1. This Agreement applies to trade in softwood lumber products. Softwood lumber products are those products listed in Annex I.

2. No new softwood lumber products will be added to the scope of this Agreement...

— meaning we cannot add value-added products; you need to read between the lines here —

— without the mutual agreement of the Parties regardless of any tariff reclassification or other action by the United States.

ARTICLE III
REVOCATION OF ANTI-DUMPING AND
COUNTERVAILING DUTY ORDERS....

ARTICLE IV
REFUND OF ANTI-DUMPING AND
COUNTERVAILING DUTY CASH DEPOSITS....

ARTICLE V
REFUND OF CASH DEPOSITS MADE
WITHOUT PREJUDICE...

ARTICLE VI
COMMITMENTS OF THE UNITED STATES
CONCERNING TRADE REMEDY INVESTIGATIONS
AND ACTION AND OTHER LITIGATION....

ARTICLE VII
CANADIAN EXPORT MEASURES

Honourable senators, I think this one merits our concerns.

1. Immediately upon revocation of the AD Order, the CVD Order and the termination of all current administrative, expedited, changed circumstances, and new shipper reviews by the United States in accordance with Article III, the following export measures will be applicable: (1) an export charge; (2) an export charge plus a volume restraint; (3) a surcharge mechanism; and (4) a third country trigger.

That sounds pretty one-sided to me. I move on:

ARTICLE VIII
EXPORT CHARGE AND EXPORT CHARGE
PLUS VOLUME RESTRAINT....

That means quotas, right? Then, Article IX says:

CANADIAN EXPORT SURGE....

ARTICLE X
THIRD COUNTRY EXPORT SURGE...

ARTICLE XI
EXCLUSIONS FROM THE EXPORT MEASURE....

ARTICLE XII
TERMINATION OF LITIGATION...

ARTICLE XIII
GENERAL PROVISIONS....

ARTICLE XIV
POLICY CHANGES...

ARTICLE XV
DISPUTE SETTLEMENT...

I do not know why they put that in there because they do not believe in it.

Then the document goes on —

The Hon. the Speaker: Order! The five-minute extension has expired.

The Honourable Senator Comeau?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I had been kind of hoping that the honourable senator would refer to the André Ouellet board of directors' expense accounts that she used to sign, but that did not happen.

Having said that, I will move the adjournment of the debate.

Senator Ringuette: On a point of order, Your Honour —

Senator Milne: I rise to speak to this motion —

The Hon. the Speaker: There is a motion on the floor that has been put forward, which is that it was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Oliver, that further debate be adjourned until the next sitting of the Senate.

Hon. Lorna Milne: Normally, Your Honour, a point of order — point of order —

The Hon. the Speaker: This question is before the house. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: In my opinion, the yeas have it.

Honourable senators, there is a house order that I must put to you. The house order is that it being 4 o'clock, and pursuant to the order adopted by the Senate on April 6, 2005, I declare the Senate continued until Thursday, June 1st, 2006, at 1:30 p.m., the Senate so decreed.

Hon. Fernand Robichaud: Your Honour, four people were standing for a vote on the adjournment motion.

Senator Ringuette: Your Honour —

Senator Milne: Point of order —

The Senate adjourned until tomorrow, Thursday, June 1, 2006, at 1:30 p.m.

CONTENTS

Wednesday, May 31, 2006

PAGE

SENATORS' STATEMENTS

Government Efforts in Sudan
Hon. Nancy Ruth . . . 385

L'Association francophone pour le savoir
Annual Conference.
Hon. Claudette Tardif . . . 385

Winnipeg
Hon. Janis G. Johnson . . . 386

Canada-France Federation
Fifty-Sixth International Conference.
Hon. Maria Chaput . . . 386

Asia-Pacific Parliamentarians' Conference on Environment and Development
Hon. Pat Carney . . . 387

ROUTINE PROCEEDINGS

Agriculture and Forestry
Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.
Hon. Joyce Fairbairn . . . 387

Official Languages
Notice of Motion to Authorize Committee to Request Government Response to Report on Study of Operation of Official Languages Act and Relevant Regulations, Directives and Reports.
Hon. Maria Chaput . . . 387

Legal and Constitutional Affairs
Notice of Motion to Authorize Committee to Continue Study on Including in Legislation Non-derogation Clauses Relating to Aboriginal Treaty Rights.
Hon. Donald H. Oliver . . . 388

Post-secondary Education
Notice of Inquiry.
Hon. Claudette Tardif . . . 388

QUESTION PERIOD

Governor General
Request to Visit Troops in Afghanistan.
Hon. Jim Munson . . . 388
Hon. Marjory LeBreton . . . 388

The Environment
Kyoto Protocol—Position of Quebec.
Hon. Dennis Dawson . . . 389
Hon. Marjory LeBreton . . . 389
Hon. Michael Fortier . . . 389

Intergovernmental Affairs
Manitoba—Recognition of Agreements with Previous Government.
Hon. Maria Chaput . . . 390
Hon. Marjory LeBreton . . . 390

The Environment
Kyoto Protocol—Policy on Climate Change.
Hon. Grant Mitchell . . . 390
Hon. Marjory LeBreton . . . 390

PAGE

Human Resources and Social Development
Proposed National Child Care Program—Comments by Leader of the Government.
Hon. Marilyn Trenholme Counsell . . . 391
Hon. Marjory LeBreton . . . 391

Finance
Referral of Bankruptcy and Insolvency Legislation to Banking, Trade and Commerce Committee.
Hon. Yoine Goldstein . . . 392
Hon. Marjory LeBreton . . . 392

International Trade
Softwood Lumber Agreement—Consultation with Industry.
Hon. Pierrette Ringuette . . . 392
Hon. Marjory LeBreton . . . 392

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau . . . 392

International Trade
United States—Proposed Softwood Lumber Agreement—Consultation with Provinces.
Questions by Sentor Austin, Senator Fox and Senator Carney.
Hon. Gerald J. Comeau (Delayed Answer) . . . 393

Agriculture and Agri-Food
Grains and Oilseeds Sector—Availability of Support Funding.
Question by Sentor Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 393

ORDERS OF THE DAY

Statutes Repeal Bill (Bill S-202)
Second Reading.
Hon. Hugh Segal . . . 393
Hon. Jerahmiel S. Grafstein . . . 395
Hon. A. Raynell Andreychuk . . . 395
Hon. Anne C. Cools . . . 395
Hon. Tommy Banks . . . 397
Hon. John G. Bryden . . . 397
Referred to Committee . . . 398

Public Service Employment Act (Bill S-201)
Bill to Amend—Second Reading—Order Stands.
Hon. Pierrette Ringuette . . . 398
Hon. A. Raynell Andreychuk . . . 398
Hon. Gerald J. Comeau . . . 398

The Senate
Motion to Accommodate Senators Speaking Ancestral Languages—Debate Adjourned.
Hon. Eymard G. Corbin . . . 398
Hon. Charlie Watt . . . 399
Hon. David P. Smith . . . 400
Hon. Jerahmiel S. Grafstein . . . 400
Hon. Willie Adams . . . 400
Hon. Gerald J. Comeau . . . 401

Banking, Trade and Commerce
Committee Authorized to Extend Date of Final Report on Study of Issues Dealing with Demographic Change.
Hon. Jerahmiel S. Grafstein . . . 401
Hon Joan Fraser . . . 401
Motion to Authorize Committee to Study Softwood Lumber Agreement—Debate Adjourned.
Motion in Amendment.
Hon. Pierrette Ringuette . . . 401
Hon. Gerald J. Comeau . . . 405
Hon. Lorna Milne . . . 405
Hon. Fernand Robichaud . . . 405

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

A1
r1
232

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 19

OFFICIAL REPORT
(HANSARD)

Thursday, June 1, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

LIBRARY

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, June 1, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, today we are expecting to welcome a guest to our gallery. He is a distinguished visitor from the great city of Vancouver, and I would like your consent that he would appear below our bar as a means of reasonable accommodation. Is that agreed, honourable senators?

Hon. Senators: Agreed.

SENATORS' STATEMENTS

APOLOGY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, yesterday toward the end of the afternoon, I made some comments that should be a reminder to all of us, including myself, that we should exercise temperance and not lose our cool, which is what I did yesterday.

I sincerely apologize to Senator Ringuette and to all others who may have been offended by my remarks.

• (1340)

Hon. Pierrette Ringuette: Honourable senators, I had given notice that I would raise a question of privilege on the defamatory, false and damaging statements made by the Deputy Leader of the Government in the Senate on May 31, 2006. However, the deputy leader has made a formal apology, which I accept, and I now withdraw my notice.

IMPORTANCE OF COMPETITION AND ECONOMIC GROWTH

Hon. Wilbert J. Keon: Honourable senators, we in this place have an opportunity to think in longer terms, more so than our colleagues in the other place. An important question that is not being adequately addressed in Canada's Parliament is: Where will Canada be economically in the middle of this century?

The report last month to the Minister of Industry by an outstanding expert panel of leaders from business, industry and academe, led by Joseph Rotman, provides valuable insight and guidance. The report is entitled *People and Excellence: The Heart of Successful Commercialization.*

Any country's economy depends on competition with other countries. Mr. Rotman and his colleagues, along with other experts, tell us that Canada is not competing well with other advanced economies. Canada has fewer R&D intensive high technology industries; Canadians are less entrepreneurial, patent less, produce less and compete less well in unique products and services. Canada has fewer university graduates, particularly with advanced degrees. Canada has a lower gross domestic expenditure in research and development as a fraction of its GDP. However, Canada's tax credits for R&D are among the highest in the world and Canada has programs to promote commercialization. The problem is that these do not seem to be working.

Honourable senators, by the middle of this century, we will have largely drained many of Canada's natural resources and our population will have more pensioners and fewer wage earners. Also by that time, countries such as China and India, which already account for one third of the world's population, will be competing much more vigorously in world markets.

To compete effectively, we in Canada must radically rethink our attitudes toward economic growth. We must move aggressively to a knowledge-based economy that depends on brains, that exports goods and services rather than raw materials and that competes internationally in ability to manufacture consumer goods. Above all, we must develop a culture of innovation and discovery through research.

I am certain that unless we as a country make major commitments now to developing the knowledge-based economy, our children and their children will not have the opportunities and standard of living we enjoy now.

PEACEKEEPING DAY

Hon. Elizabeth Hubley: Honourable senators, on August 9, 2006, Canadians will have the opportunity to acknowledge and pay tribute to those who have served our country throughout the world as peacekeepers. While missions and roles might change from time to time, the flag of the United Nations and what it represents does not change. Created by the Canadian Association of Veterans in United Nations Peacekeeping, Peacekeeping Day should be a proud day for all of us because it recalls and celebrates the sacrifice and courageous efforts of Canadians to prevent conflict, protect fundamental human rights and promote social progress and improve standards of living.

One of Canada's greatest achievements in peacekeeping and international diplomacy was the 1997 Ottawa Mine Ban Treaty prohibiting the use, stockpiling, production and transfer of anti-personnel land mines. The anti-personnel land mine is a hideous legacy of war and civil conflict, crippling and taking the lives of innocent civilians, many of them children, long after the fighting is over. Land mines retard the economic development and recovery of post-conflict countries. Removing them is slow, delicate and dangerous work that requires highly trained technicians and, of course, financial resources.

Through the efforts of the Canadian Landmine Foundation and other humanitarian organizations, more than 60 million land mines have been destroyed and thousands of victims have been assisted.

Honourable senators, the inauguration of Peacekeeping Day took place two weeks ago in Summerside, Prince Edward Island, at a special fundraising event that combined dance and poetry with the sober message of land mines and their threat to entire communities.

• (1345)

Individual peacekeepers will be honoured over the coming months, including Major-General (retired) Alain Forand and Quebec Municipal Police Officer, Constable Louis Gignac.

Canadians are still proud peacekeepers and humanitarians, honourable senators, fulfilling our responsibilities honourably and unselfishly without self interest. I know that on August 9 you will join with me in celebrating the first ever Peacekeeping Day in Canada.

NORTHERN VIEW OF THE LONG-GUN REGISTRY

Hon. Nick G. Sibbeston: Honourable senators, I wish to state the northern view on the recent government announcement of an amnesty on long-gun registration. Most people of the North never supported the gun registry and the licensing system to buy guns and shells.

To illustrate my point, a few years ago when the gun registry issue was in the news, I visited a small community. There I visited an elderly man, a hunter and trapper in his 90s. He asked me whether he, in fact, had to register his gun. I said: "Yes. Mr. Chrétien wants you to register your guns. If you had a chance to speak face-to-face with Mr. Chrétien, what would you tell him?" He said: "I am an old man. I have hunted and trapped all my life, ever since I was 10 years old. I shot hundreds of moose and other game, and I have never aimed that gun at anybody else. I have never hurt anybody. I make a living. The gun is my tool."

Another elderly hunter and trapper in the same community had to buy shells one day. He was told, at this trading place where he had traded his furs for all of his life, that he could not buy shells because he did not have an FAC.

These examples illustrate the impracticality, inconvenience and infringement of the lives and liberty of the people in the North who live in a very tough country and depend on their guns to eke out a living.

Honourable senators, I am one senator from a remote part of our country who applauds this government's stance on the gun registry. The sooner we get rid of it, the better. Long live northern people's liberty to hunt, trap and fish without restrictions.

RESPONSE TO CLIMATE CHANGE IN THE ARCTIC

Hon. Bill Rompkey: Honourable senators, I want to draw your attention to an op-ed piece in *The Globe and Mail* several days ago, written by Sheila Watt-Cloutier:

> By trying to scuttle the Kyoto Protocol and prevent the adoption globally of "stringent targets" to reduce greenhouse-gas emissions, the federal government is abandoning the peoples of the circumpolar Arctic — particularly Inuit whose hunting and food-sharing culture is being pushed to destruction by climate change. Further, this misguided position will weaken Canada's claim to Arctic sovereignty and severely erode its international credibility.
>
> In November of 2004, the eight Arctic states, including Canada and the United States, endorsed the Arctic Climate Impact Assessment (ACIA). Prepared over four years by more than 300 scientists from 15 countries and Arctic indigenous peoples, the assessment said human-induced climate change in the Arctic is happening now and is accelerating with serious social, cultural, health, environmental and economic consequences. Contingency plans are already in place to relocate some Inuit communities in Alaska and elsewhere in the face of climate change.
>
> ...Inuit have always engaged in the politics of influence, not the politics of protest, and we always try to bring people together, not pull them apart. But recent decisions by the federal government call for new responses. We are deeply concerned that Ottawa has taken this position — divisive at home as well as internationally — at a time when Environment Minister Rona Ambrose is chairing global climate-change negotiations.
>
> Ottawa's foreign policy on climate change must support — not erode — Canada's sovereignty in the North and reflect — not ignore — the Arctic, the region of Canada most directly and negatively affected by this global challenge.

That is Sheila Watt-Cloutier, the elected chair of the Inuit Circumpolar Conference, UN Champion of the Earth, who received the International Environmental and Development Sophie Prize. She is to receive the Canadian Environmental Award Citation of Lifetime Achievement on June 5 and the Earth Day International Environmental Award on June 8. She is the sister of Senator Charlie Watt.

• (1350)

LEGAL AND CONSTITUTIONAL AFFAIRS

BILL S-202—LIST OF UNPROCLAIMED BILLS TABLED WITH COMMITTEE

Hon. Tommy Banks: Honourable senators, in debate on April 26 on Bill S-202, which was yesterday referred by this place to the Standing Senate Committee on Legal and Constitutional Affairs, I responded to a question asked by Senator Nolin having to do with whether I had received a more exhaustive list from the Department of Justice of statutes that had been given Royal Assent more than 10 years before that date. I replied that I had not.

However, I have been reminded, through a letter from the department, that a list of legislation was indeed provided to members of the Standing Senate Committee on Legal and Constitutional Affairs prior to that committee's evidentiary proceedings of February 10, 2005. The department has provided me with a copy of that list, which is headed: "Bill S-202" —

that being the present designation of this legislation — "Acts or Provisions of Acts enacted after 1985 and prior to 1999 that have not yet been brought into force as of April 5, 2006."

There is such a list in addition to the one to which I referred. The Department of Justice has provided that list to members of the Standing Senate Committee on Legal and Constitutional Affairs.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Elders from the Membertou First Nation from Cape Breton, Nova Scotia. They are guests of the Honourable Senator Lovelace Nicholas.

On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

VIETNAM-LAOS-CAMBODIA REGIONAL SEMINAR ON BUDGETARY CONTROL, DECEMBER 19-21, 2005—REPORT TABLED

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Canadian Branch of the Assemblée parlementaire de la Francophonie. The report is on the Vietnam-Laos-Cambodia Regional Seminar on Budgetary Control of the APF held in Vientiane, Laos, from December 19-21, 2005.

• (1355)

[*English*]

QUESTION PERIOD

FINANCE

EQUALIZATION FORMULA— COMMENTS BY PRIME MINISTER

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. It concerns issues revolving around the controversy about equalization and what changes may take place.

I wish to start my question by reading a quotation from the platform of the Conservative Party during the last election campaign which stated:

> ...non-renewable natural resource revenue is removed from the equalization formula to encourage economic growth.

That was a specific quotation from the Conservative campaign platform concerning the new equalization formula they alluded to in their campaign material.

Earlier this week Minister Flaherty told reporters that oil and gas revenue would fall outside the formula. "That was our platform commitment," he said.

Yesterday, the Prime Minister referred to this election promise as just "a preference" and that he wanted to see the results of a federally commissioned report on this issue, expected next week, before a decision will be made.

Has the Prime Minister reversed himself in terms of the Conservative Party commitment made during the last election campaign?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Hays for his question.

The Prime Minister has not reversed himself. He was simply stating in the press conference, in an open and honest way, as he always does, the various opinions he is being confronted with on the issue of equalization and fiscal balance. He also said that government is looking forward to reviewing the report of the expert panel on equalization and is already assessing the proposals put forward in the report of the Council of the Federation's advisory panel.

Senator Hays: Honourable senators, Canadians watch these matters carefully. This matter is controversial and I will touch on it in a supplementary question, if I am allowed.

On the issue of the Prime Minister's position being in flux, can the Leader of the Government in the Senate indicate whether or not this will be applicable to many things that were committed to in the election and stated as commitments by the Conservative Party? We heard these commitments through the mouth of the Prime Minister and through the platform documents. Will all these promises simply become preferences?

Senator LeBreton: Honourable senators, it is interesting that the honourable senator would question the Prime Minister's "preference". The Prime Minister stated clearly in the election campaign that the Conservative party would change the way we deal with the child care issue, Kyoto and other issues. In those instances, the honourable senator does not want to accept him at his word.

In this case, I read the article. I know what the Prime Minister said. I also know what Minister Flaherty said. The Prime Minister was simply stating the obvious, that many people have varying views on this issue and he is acknowledging this.

He was simply stating the obvious that there are many different views on the issue. He has not indicated that he has changed his or the party's position. He is simply saying that he is waiting for the report of the O'Brien commission on the whole question of equalization.

Senator Hays: Honourable senators, I am not sure what the government's position is on child care or Kyoto. It seems to me the government is trying to have it both ways. The government seems to say it is committed to Kyoto but it is not committed to Kyoto. On the subject of child care, the government seems to be saying that it is committed to child care but that it will come forward with another program.

• (1400)

On this issue, Premier Lorne Calvert said yesterday:

> It's not a preference commitment, it is a commitment.
>
> There can be no other interpretation. It would represent a betrayal to a promise made and a betrayal, I would say, of the support that was earned by this prime minister in the province of Saskatchewan.

To add to the controversy, Premier Klein had said earlier on that he would fight tooth and nail against any proposal to include resource revenue, saying about the government, when commenting on the government's campaign promise:

> I would hope they live up to that, otherwise they are going to have a battle on their hands.

Premier McGuinty is also opposed to the inclusion of oil and gas royalties in the calculation, because in his view it would inflate the standard and under the Constitution:

> Those oil and gas royalties are not available to be used to make the actual payments.

I put again to the minister: How can she reconcile the views of the premiers, in particular Premier Calvert, on the firmness of the commitment to this rather unsatisfactory position of the Prime Minister that this — and I presume many other matters — in particular is not a commitment to which Canadians can look and be satisfied that the government will act as they understood they would act, based on the election campaign?

Senator LeBreton: I read the comments of Premier Calvert as well. The issue here, as the Prime Minister was answering a question on media availability yesterday — which is rather interesting because some people seem to think he does not answer questions from the media availability — is that he was simply stating the obvious about people having different views on this matter. He did not say that he was breaking any commitment.

Provincial premiers, as they would be obviously wont to do, are just drawing their line in the sand in the event that something that they think may happen actually happens. However, the Prime Minister has said no such thing, and we should wait until the report comes out on equalization which, as has been stated by the Prime Minister and the Minister of Finance, is a federal program.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM— COMMENTS BY LEADER OF THE GOVERNMENT

Hon. Art Eggleton: Honourable senators, it is time for a reality check.

Some Hon. Senators: Oh, oh!

Senator Eggleton: To the Honourable Leader of the Government in the Senate, yesterday during Question Period she was responding to a question from Senator Chaput. In that response she said:

> During the election campaign, we made our position on child care very clear and it included our intentions with the patchwork agreements that had been signed with some provinces. It is a fact that there was not one single daycare space provided.

First, Madam Minister, you were wrong when you said "some provinces" because all ten provinces had signed agreements. Second, your facts were wrong when you said that there was not one single space provided because Ontario, for example, created some 14,000 spaces on the strength of the agreement and the new money that was being provided.

Therefore I ask the Leader of the Government to set the record straight on her comments. After all, there were those agreements. Spaces were created. Parents were being given options. Children were getting an opportunity, and your government has decided to walk away from all of that.

Hon. Marjory LeBreton (Leader of the Government): I will not back down from my statement that no child care spaces were provided, because no child care spaces were provided. It was more like what if, what could have been, what might have been with these agreements, these deathbed agreements that the minister ran around signing with the provinces — which, by the way, if my memory serves me correctly, was only committing to one year of funding, in any event. Meanwhile, there were no child care spaces created by that deathbed repentance program.

• (1405)

The fact is that after 13 years of Liberal governments promising a child care plan and not delivering, our government has taken action by introducing a universal child care plan. We are providing $3.7 billion over 2 years for the universal child care benefit, which will provide all families with $100 a month for each child under age 6. We are also setting aside $250 million for the creation of new care spaces. The goal is to create 25,000 additional spaces each year.

Senator Eggleton: With all due respect, that is not an early-learning and child care program. It is an allowance to be given to people that is totally inadequate to meet the public's needs or provide quality in the way of child care spaces.

The leader talks about a deathbed agreement. Let us remember that many of those governments that signed that agreement in good faith are of the Conservative persuasion, and they believe that this was an opportunity lost. They have been very critical of the government in that regard.

The honourable senator may talk about the 13 years prior to that, but it was, until approximately a year ago, impossible for all of the provinces to agree. They finally agree, and what happens? Her government throws it in the trash can. I beg to differ with the leader on the subject of Ontario, and I will be returning to that subject.

Saskatchewan, for example, planned to create a province-wide nursery program for all four-year-olds. In British Columbia, 6,000 families saw their subsidy for child care increase, and that is all now at risk. As for Ontario, after the 14,000 spaces, they were planning to set up another 11,000, but they had to put a stop to that because the program was cancelled. Manitoba stopped creating spaces, and over 3,000 were lost. Newfoundland and Labrador planned to increase the number of regulated spaces, targeting under-serviced areas. Again, that was lost.

The government simply does not have a viable plan to create child care spaces. The provinces have stated that the plan the government is putting forward with respect to tax incentives to businesses and communities — without ongoing funds to cover the operating costs, I might add — simply will not work. In fact, it was attempted in Ontario, and it did not work. It did not create one single space.

Why does the government not take a step back and pause for a moment before it is too late, work with the provinces, many of which are of the same political stripe, and continue these agreements in order to give parents a choice and children a real opportunity?

Senator LeBreton: As a matter of fact, the government is working with the provinces on the new Conservative government's child care plan.

In the preamble to the honourable senator's question, I made note once again of, "planning to, would have, could have, might have." All that did was underscore the point I made that not one child care space was provided by the could-have, would-have, might-have plan of the previous government.

NATIONAL DEFENCE

ARCTIC SOVEREIGNTY— POSSIBLE ACQUISITION OF ICEBREAKERS

Hon. Bill Rompkey: My question is for the Leader of the Government in the Senate. Some weeks ago, I raised with her the question of Arctic icebreakers, and I would remind her that the Prime Minister made a commitment during the campaign to three full-fledged all-ice Arctic icebreakers and a deep water port for the Arctic. That was a clear campaign commitment on the part of the Prime Minister.

I want to draw her attention to an article in the *National Post* on May 30, which says:

> The Conservative government is considering buying a new fleet of "ice-capable" corvettes ...

We had corvettes during World War II. They were armed merchant trawlers. They were not ice-strengthened and they cannot operate in the Arctic to patrol Canada's vast Arctic waters:

> ... and abandoning ... a campaign pledge to build new armed icebreakers for the Canadian Forces.

The article goes on to say:

> ... it is not expected to be part of Mr. O'Connor's top spending priorities, which he was expected to present to Cabinet today.

This article is dated May 30. The question simply is: At a time of global warming when the Northwest Passage is opening up and many ships are coming through the passage, why is the Prime Minister not keeping the commitment he made, or why are we allowing the bureaucrats to stall a very good commitment that the Prime Minister made during the campaign?

• (1410)

Hon. Marjory LeBreton (Leader of the Government): Again, the honourable senator is basing his question on speculation in a newspaper article. The honourable senator says that the corvettes were used in the Second World War. I do not want to get into the debate about how far back the Sea Kings and helicopters like them were used.

Let us wait until the Minister of National Defence brings forward the plan of the Department of National Defence for the requirements of the department. Let us not start running around responding to questions raised hypothetically in newspaper columns.

Senator Rompkey: Honourable senators, on the question of waiting, let me read from an article in the *Ottawa Citizen* this morning.

> Canada is in a race to beat the melting Arctic sea ice and establish sovereignty over the Northwest Passage before it's too late, says the author of a new book on Arctic history.
>
> Gerard Kenney, whose book *Dangerous Passage* is being launched today... said that if international ships start using the passage as a common transit route, it will weaken Canada's case for jurisdiction over the waters.

Prime Minister Steven Harper, he writes,

> ...has promised three new icebreakers and a port for the Arctic — initiatives that Mr. Kenney applauds.
>
> He said Canada also needs a system to make sure that ships report in before they enter the Northwest Passage...

Sheila Watt-Cloutier made these comments on behalf of the Inuit Circumpolar Conference. Ms. Watt-Cloutier told the conference that the Inuit know that their environment is eroding. She said they also know that this erosion is opening up the Northwest Passage to trade by foreign ships.

The question is, what are we going to do now, and when will the Prime Minister keep his commitment to build the- icebreakers and the deepwater port?

Senator LeBreton: I thank the honourable senator for his question. I do not think there is anyone who would question this government's commitment to increasing the Canadian Forces capacity to protect Canada's sovereignty in the Arctic, unlike in the past, when ships went through there and did not even bother informing the government.

The Department of National Defence and the Canadian Forces are currently evaluating options to enhance Canadian Forces naval presence in the North. As I said in my earlier answer, let us wait until the Minister of Defence, the officials in the Department of National Defence and the Chief of the Defence Staff have presented to cabinet, Parliament, and the Canadian public what equipment they will require for the short-term and long-term needs of the Canadian Forces.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT— CONSULTATION WITH INDUSTRY

Hon. Pierrette Ringuette: My question is for the Leader of the Government in the Senate.

Yesterday, in Question Period, I asked why the Alberta Forest Products Association was not, and has still not been, consulted on the softwood agreement. The Leader of the government answered, "I understand that some smaller stakeholders in the industry have expressed concerns."

Does this imply that the Alberta Forest Products Association is only a small stakeholder? Does this mean that small stakeholders are irrelevant to this government and will not be consulted? Does this mean that small- and medium-sized businesses will be left on their own to survive? Does this mean that the policies of this government will only consider big business?

Hon. Marjory LeBreton (Leader of the Government): The answer is no, this does not mean that.

Senator Ringuette: That is the answer we are accustomed to hearing.

SOFTWOOD LUMBER AGREEMENT— REQUEST FOR TABLING

Hon. Pierrette Ringuette: Honourable senators, yesterday, the Leader of the Government refused to allow me to table in this chamber a draft of the softwood agreement. She has refused to do so for four weeks. The government has refused to be open, transparent and accountable on this issue and in this chamber. Not agreeing to table the draft continues the secrecy.

• (1415)

Does this mean that the Senate will have to call either Brian Mulroney or George W. Bush to persuade you to table and study the draft softwood lumber agreement?

Hon. Marjory LeBreton (Leader of the Government): The draft softwood lumber agreement is already before the Senate in that it has been tabled with the Standing Senate Committee on Agriculture and Forestry.

CANADA-UNITED STATES RELATIONS

BORDER SECURITY—PASSPORT REQUIREMENTS

Hon. James S. Cowan: Honourable senators, on Tuesday, Canada's Western premiers and territorial leaders urged the government to push for a delay in the new U.S. passport requirements. The requirements imposed by the American government would not only hurt Canada's tourism and export industries, but also limit the individual freedoms of both Americans and Canadians.

Honourable senators, the Western premiers acknowledged the need for better border security. However, as Premier Doer said on Tuesday, if we want to implement these new requirements effectively, we need to delay and to get it right. He was reported in *The Globe and Mail* this morning as saying that it would be economic suicide for both Canada and the U.S. if the implementation is not delayed.

My question is for the Leader of the Government in the Senate. Will the federal government accept the premier's points and ensure that these harmful requirements are not implemented without being properly studied and assessed?

Hon. Marjory LeBreton (Leader of the Government): I wish to thank the Honourable Senator Cowan for that question. We would all agree that this is a very important issue on both sides of the border, not only for Canadians, but also for Americans living along the border. The honourable senator perhaps heard the comments of the Canadian Ambassador to Washington, the Honourable Michael Wilson, made in Gimli yesterday, as well as the comments of the woman who is the head of a Canada-U.S. business group, applauding the efforts of Ambassador Wilson on this front.

Honourable senators, there is no question that this is an important issue. As I said in answer to an earlier question, this law was passed through the U.S. Congress. There are hopeful signs coming out of the United States. All levels of government, especially in the border states, are working hard to come up with a system or, if the Senate amendment passes, to get a delay so that this does not impede the trade of goods and services or the movement of people across the border.

Senator Cowan: The Prime Minister said that he thought the delay would likely be as a result of discord within the American government and not from any pressure exerted from this side of the border. Whether or not that is a valid assumption, will the Leader of the Government speak to the Prime Minister to ensure that he raises this issue and stands up for Canada when he meets with the President of the United States in Washington on July 6?

Senator LeBreton: I will certainly mention this to the Prime Minister, but I think the fact that the Prime Minister has raised this issue with President Bush is one of the reasons why we are finally getting some results and some attention paid to it. As my colleague Senator Angus has reminded me, this very issue will be raised next week at the Standing Senate Committee on Banking, Trade and Commerce.

This is not an subject that landed on our doorstep on January 23. As a matter of interest, I reviewed the record. I remember previous Leaders of the Government in the Senate was asked questions relating to this matter, first by Senator Oliver, in March 2003; by Senator Andreychuk in April 2004; and then Senator Segal last fall. Yet, little or nothing was done in answer to those questions. When one considers that we won the election on January 23, 2006 and were sworn in on February 6, 2006, more has been done to move this issue along and to find a resolution to it in the little more than 100 days that we have been here than were done for the years since the United States Congress brought in this legislation.

If we look at the results of our efforts in 100 days or so, we have much more reason to be hopeful than we ever have in the past.

• (1420)

Senator Cowan: I take it that the answer to my supplementary question is "yes."

Senator LeBreton: Yes.

THE ENVIRONMENT

KYOTO PROTOCOL— GREENHOUSE GAS EMISSIONS TRADING

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate and it has to do with what seems to be an inconsistency in the government's approach to environmental matters. Yesterday in Question Period the honourable leader stated, in response to a question, that the minister, Rona Ambrose, had met with leaders of other governments who all agreed that Kyoto was not working. The best way to ensure that something does not work is to stop trying. The attitude of the present government seems to be: If at first you do not succeed, quit.

The minister has also met with leaders of nations who have told her that Kyoto is working and that they are achieving those ends. After having met the minister of the environment from the United Kingdom, the minister reported to newspapers that the government was now considering European emissions trading exchanges, which exist.

During the Conservative Party's anti-Kyoto campaign leading up to the last election, the phrase used was, roughly, we are not going into anything that buys Russian hot air. Does the government regard Russia as being part of Europe?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, that is a rather strange question, I must say. I do not know whether anyone in our government ever suggested that Russia was or was not part of Europe.

The honourable senator referred to my answer to a question yesterday. I will reiterate that Canada did win widespread support among the developed countries represented at the recent Bonn meeting for the leadership role that our country played. That leadership, as I pointed out yesterday, was displayed very admirably by Minister Ambrose and her officials. The minister led a consensus among the countries involved for a two-year assessment, post-2012, which involves the second phase of Kyoto.

Richard Kinley, the acting head of the United Nations climate change secretariat, said of Minister Ambrose in a Montreal *Gazette* article of May 27, 2006:

> The president fulfilled her responsibilities with the complete confidence of the members of the executive and with impartiality.

Minister Ambrose also stated that the United Nations is interested in Canada's effort to engage the United States in taking a more active role in the second phase. At home, the Western premiers have recently announced their support for a made-in-Canada plan and it is clear that, internationally, we have gained support as well.

I think it is unfortunate that the official opposition cannot find a way to support a Canadian plan on climate change. If honourable senators do not believe me, they will have to believe one of their own Liberal leadership candidates, Michael Ignatieff. An article in The Record quotes him as calling Kyoto "a huge political liability" for his party. This was a week and a half ago, on May 23, 2006.

I will quote him directly:

> We think Kyoto has been an asset for us. It has actually been a huge political liability.

The article quotes from a speech at a luncheon meeting:

> I think our party has got into a mess on the environment. As a practical matter of politics, no one knows what Kyoto is and what it commits us to.

I say to honourable senators opposite: If you do not believe us, at least believe one of your own leadership candidates.

Senator Banks: I will undertake to instruct Mr. Ignatieff as to the nature of Kyoto. I would simplify my question. Notwithstanding the government's undertaking that it would not buy Russian hot air, is the government contemplating the possibility of Canadian companies trading in emissions trading on a European trading exchange?

• (1425)

Senator LeBreton: Again, the honourable senator must get better researchers than the newspapers.

Minister Ambrose met with representatives from the European Community and Great Britain, and they discussed a host of issues. Like most ministers in our government, Minister Ambrose has no problem openly and honestly discussing what was on the table.

Unfortunately, when she has these open and honest discussions — as do other members of our government, including the Prime Minister — they are taken as if they are making firm commitments. Nevertheless, I will encourage ministers to always let the public know what they discuss in an open and honest way.

Senator Banks: Let me be clear: I am entirely in favour of emissions trading. I said the government is contemplating the possibility of emissions trading. I think that is a good thing. I hope that the government is doing that. As there were quotation marks around the words "the possibility", I hope that the minister was not misquoted in that respect.

Before I sit down, I remind the Leader of the Government in the Senate that some time ago — since she has raised the question of a made-in-Canada plan to reduce the emissions — I asked her in Question Period what part of the then present undertakings to reduce emissions were not made in Canada. She undertook that she would find out and get back to me and I am looking forward to that answer.

Senator LeBreton: I thank the honourable senator for his question. I will determine the status of that delayed answer. In addition, I will inquire of Minister Ambrose to find out exactly what she said and whether she was quoted properly.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by Senator Plamondon on April 27, 2006, regarding climate change.

THE ENVIRONMENT

CLIMATE CHANGE—EFFECT ON THE ECONOMY—NEGOTIATIONS WITH UNITED STATES

(*Response to question raised by Hon. Madeleine Plamondon on April 27, 2006*)

"Weather Modification" refers to the active attempt to modify, within a few hours at most, existing weather by directly intervening with the current weather in order to, for example, reduce fog or increase precipitation. The UN World Meteorological Organization (WMO) has had a program on Weather Modification Research since 1975 promoting the establishment of sound scientific foundations for weather modification and facilitating the exchange of information for both research and operational activities. It maintains this strong interest because of the possibility of beneficially modifying weather and thus contributing to the mitigation of the adverse effects of drought, hail, fog and severe weather.

Within the scientific community, discussion continues regarding the degree of success of weather modification. For example, the confidence level is very high when dealing with certain types of fog and low to moderate for increasing snowfall and precipitation from clouds. The confidence level is low for suppressing hail.

Nonetheless, there are many nations currently conducting weather modification projects, particularly in arid and semi-arid regions all over the world, where the lack of sufficient water resources limits their ability to meet food, fibre, and energy demands. Obviously, there would be significant benefits for these regions resulting from the successful development of this type of technology.

There are also projects underway in Canada and the USA. In Canada, the Insurance industry invests funds annually in weather modification activities targeted at reducing hail damage in the prairies. Weather modification is conducted in several states in the USA, we believe, associated with severe weather suppression and water management issues. Although the federal government was extensively involved in this type of research in the 1970s, there is currently no federal funding in weather modification. We are informed that the situation is the same in the US federal system.

In addition, neither Canada nor the USA has a federal policy on Weather Modification. In Canada, there exists a federal Weather Modification Information Act (administered by the Minister of Environment) that requires any operator to "notify" the federal government of any action intended to modify the weather by chemicals. There is no federal license involved and no federal authority to stop the activity.

In the USA, there are currently bills before the legislature which would "develop and implement a comprehensive and coordinated national weather modification research policy." These Bills are working their way through their system.

Within this context, you will understand that it is currently difficult, if not impossible, to credibly ascribe any specific economic or other values to weather modification activities. It is also clear that moral, ethical and legal considerations can be, and have been, raised by various interests. This is already clearly acknowledged by practitioners including the WMO, mentioned earlier, the American Meteorological Society and the Canadian Meteorological and Oceanographic Society, to name but a few. These organizations all promote the careful, scientifically sound pursuit of this research in order to ensure that all benefits and impacts are properly assessed.

Although the Canadian and American scientific communities have been exchanging scientific information for many years, there have been no recent formal Canada-USA discussions regarding this technology. As mentioned

by Senator Plamondon, there was significant international policy activity through the late 1970s which resulted in the UN "Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques," which entered into force on October 5, 1978 and which Canada ratified on June 11, 1981.

[*English*]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, today we have a House of Commons page with us named Chloé Ward, from Pembroke, Ontario. She is currently enrolled at Carleton University in the Bachelor of Science, honours neuroscience program. On behalf of all honourable senators, I bid you welcome.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence at the bar of His Worship the Mayor of Vancouver, Mr. Sam Sullivan. I know that all honourable senators would wish to welcome His Worship to the Senate of Canada.

Hon. Senators: Hear, hear!

• (1430)

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government) moved second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

She said: Honourable senators, I am pleased to have the opportunity to begin the debate on Bill S-4, which would limit the tenure of senators to eight years. As senators are well aware, currently there is no fixed tenure for senators apart from the broad parameters set out in the Constitution. A senator can potentially serve for as long as 45 years if he or she is appointed at 30 years of age and serves until the mandatory retirement age of 75 years.

In the Speech from the Throne, the government committed to explore means to ensure that the Senate better reflects both the democratic values of Canadians and the needs of Canada's regions. Bill S-4 is an important first step to achieving that objective.

I wish to begin by reviewing the text of the bill, which proposes an amendment to the Constitution Act, 1867, and then provide the context for this important reform. Specifically, the bill would replace the current section 29 of the act with a clause limiting the tenure of senators to eight years. The bill also includes a transitional provision that would allow current senators to continue to hold their appointments until the age of 75 years. Implicit in this amendment is that there would no longer be a mandatory retirement age for new senators. In making this amendment, Parliament would use its powers under section 44 of the Constitution Act, 1982, which states:

> ...Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Section 44 is subject to section 42 of the Constitution, which sets out the matters for amendment that would require the support of seven provinces having 50 per cent of the population. Section 42 states in part:

> (*b*) the powers of the Senate and the method of selecting Senators;
>
> (*c*) the number of members by which a province is entitled to be represented in the Senate...

However, the tenure of senators is not among the items listed under section 42. Bill S-4 does not change in any way the power of the Senate, the method of selection or the distribution of senators by region. There is also a strong precedent for Parliament acting alone to limit the tenure of senators.

With the passage of the Constitution Amendment, 1965, Parliament amended section 29 of the Constitution to reduce the appointment of senators from life to the current mandatory retirement age of 75 years. In this regard, it is interesting to note that a 1980 Supreme Court reference used the 1965 amendment as an example of how Parliament can act unilaterally to amend the Constitution in relation to the Senate.

While honourable senators would agree that the Senate continues to play a valuable role in the review of legislation and the study of key policy issues, the fact is that the Senate has remained essentially unchanged since its first sitting on November 16, 1867. In the meantime, Canada has evolved as have the views of Canadians in regard to their political institutions — witness the tremendous amount of activity and interest across the country in the area of democratic reform and renewal.

We must ask whether the Senate of the 19th century meets the expectations of Canadians in the 21st century. Certainly, Canadians have made it clear that they desire Senate reform. For example, an Environics poll conducted last March showed that a clear majority of respondents indicated their support for Senate reform as opposed to abolition or the status quo. There have been concerted efforts in the past to achieve Senate reform, most notably in the Meech Lake Accord and the Charlottetown Accord.

The Meech Lake Accord instituted an interim measure to allow provincial input into Senate appointments with a longer term objective of fundamental Senate reform. Many of us remember that some senators pointed to this place in the spirit of Meech Lake, namely former Senators Beaudoin and Bolduc.

The Charlottetown Accord would have resulted in fundamental reform of all major aspects of the Senate, including the distribution of senators, the method of appointment and the powers of the Senate. Both initiatives focused on major comprehensive constitutional reform in many areas.

While Senate reform is a key aspect of each proposal, its fate was intertwined with the success or failure of the larger package. When the overall agreements failed, the hopes of Senate reform, however legitimate, also disappeared, notwithstanding the fact that the Senate reform components of these packages had tremendous merit and, indeed, the support of Canadians. That is why this government has taken a fundamentally different approach to reform, a staged approach that would begin the process of reform and thereby provide a foundation for more fundamental reform in the future.

It is interesting to note that the 1984 Molgat-Cosgrove report of the Special Joint Committee on Senate Reform recommended a similar approach to Senate reform. While that report recommended fundamental constitutional reform of the Senate as the ultimate objective, it concluded that certain beneficial reforms could be accomplished immediately. One of the recommendations in the report was that Senate tenure should be limited to a period of nine years and that it be implemented unilaterally by Parliament using section 44 of the Constitution.

Numerous other studies have recommended changes to the Senate. Like the Molgat-Cosgrove report, many of those reports recommended limits to the tenure of senators and listed a wide range of proposals for the length of tenure. For example, the task force report entitled, *Regional Representation: the Canadian Partnership*, published in 1981 by the Canada West Foundation, and the 1985 report of the Alberta Select Committee on Upper House Reform both recommended that terms be renewable and be limited to the life of two legislatures. The 1992 report of the Special Joint Committee on a Renewed Canada recommended that terms should be for no more than six years. Most of these proposals put forward tenure limits in the context of a Senate election proposal. Past attempts at reform and the sheer number of recommendations for reform that have come forward over the years demonstrate clearly that there is a strong need and demand for Senate reform.

Unfortunately, none of these proposals has come to fruition. As the Prime Minister has observed, while it seems evident that Canadians would like to see improvements to the Senate, the "all or nothing" approach to reform that has characterized previous attempts has resulted in nothing being accomplished.

While the proposed Senate tenure legislation does not address all of the concerns raised about the Senate, it does represent one important first step in a longer process of reform. By making step-by-step improvements and building consensus, we will set the stage for further progress.

Moving away from the text of the amendment, I would like to draw the attention of honourable senators to the bill's preamble, which is important for several reasons. First, the preamble explains why we are taking this important step:

> WHEREAS it is important that Canada's representative institutions, including the Senate, continue to evolve in accordance with the principles of modern democracy and the expectations of Canadians;

The third recital states:

> WHEREAS the tenure of senators should be consistent with the principles of modern democracy;

> In that context, the second recital in the preamble notes that this initiative represents part of the government's commitment to Senate reform as expressed in the Speech from the Throne.

The fourth and fifth recitals indicate, respectively, that Parliament has acted previously to change the tenure of senators, as it did in 1965, and that similarly the change contemplated in Bill S-4 is being taken within the Constitutional authority of Parliament to act alone under section 44.

• (1440)

Finally, the last recital affirms that, in making the change to Senate tenure:

> Parliament wishes to maintain the essential characteristics of the Senate within Canada's parliamentary democracy as a chamber of independent, sober second thought;

Taken together, these clauses provide the basis for a reasoned policy rationale for the bill. In that regard, I would like to now expand somewhat on the key messages contained in the preamble.

First of all, one might ask what is meant by the principles of modern democracy and the expectations of Canadians in that regard. We could probably all agree that a number of important principles underlie our democratic institutions, including accountability, legitimacy and effective representation, to name but a few.

I can see Senator St. Germain likes the effective representation part.

Senator St. Germain: Hear, hear!

Senator LeBreton: The key question is: Have our democratic institutions, which are intended to embody those principles, evolved in step with the expectations of Canadians in the 21st century? It is a very key question, which I am sure many of us will, and should if they have not, ask ourselves. Many, myself included, would argue that they have not.

Back in 1867, appointing senators for life may have fitted perfectly into the prevailing views of the time in attempts to model the Senate after the House of Lords. Today, long terms are regarded as one of the main reasons that the Senate lacks legitimacy. Canadians have a hard time believing that the Senate can be a dynamic, democratic institution when there is a potential for a senator to serve for a term of over 40 years.

The property qualifications contained in the Constitution are another good example of how the prevailing attitudes about the Senate have changed. While owning $4,000 in property is not stringent by today's standards for many Canadians, inflation

having taken care of that problem, in 1867 it would have been a small fortune, and it meant that, at its inception the Senate was the domain of wealthy individuals. We would not accept that kind of situation today with regard to property, so why would we accept it with regard to Senate tenure? Times have changed, and our institutions must evolve accordingly.

Today, Canadians insist that Parliament should be a vibrant institution that takes into account their needs and expectations. Many feel that appointing senators for lifetime terms is not consistent with that ideal. This in turn has been one of the key contributing factors for the criticism that the Senate has become a stagnant institution and lacks legitimacy. With eight-year terms, the Senate will experience a regular renewal of ideas and perspectives.

Finally, as I mentioned previously, the last recital of the preamble contains a very important statement, and that is that this bill does not change the essential characteristics of the Senate. Specifically, the method of appointment of senators remains the same and the powers of the Senate are not altered in any fashion.

Apart from these factors, I believe that a key characteristic of the Senate is its independence and its role in providing sober second thought in the federal legislative process. Changing the tenure of senators to eight years will not impair these characteristics at all. Clearly, an eight year term is significantly different from the average length of an electoral term in the other place. A term of eight years should provide ample time for a senator to gain experience and to put his or her experience to good use for a reasonably long period of time.

In this context, it should be noted that quite a number of senators would have enjoyed a longer time of office under the terms of this bill than they actually received. Honourable senators will recall Senator Doris Anderson and Senator Peggy Butts, who each served only two years. Senator Finestone had two and a half years, Senator Thelma Chalifoux from Alberta was here for seven year, Senator Finnerty for six, Senator Léger for four, Senator Mercier for five years and the list goes on. Former Prime Minister Chrétien alone appointed 22 senators who served fewer than eight years each, a number which reflects only those who left this chamber due to having reached the age of mandatory retirement. There is no danger, therefore, honourable senators, that the Senate would be bereft of experience under this proposal, for who would say that the work the senators I just named was not valuable and did not contribute greatly to the characteristics of the Senate. At the same time, this bill would ensure that the Senate receives a more regular infusion of new ideas.

As I mentioned earlier, the fact that we are not changing the essential characteristics of the Senate is, of course, an important factor in establishing that Parliament can act alone to make this amendment, just as it did in 1965 under Prime Minister Lester B. Pearson. Should Parliament wish to alter a fundamental characteristic of the Senate, this would, of course, require the support of the provinces pursuant to section 42 of the Constitution Act, 1867. That is not the case for this amendment.

Passage of this bill will not in and of itself address all the concerns that have been expressed by Canadians about the Senate, nor will it completely satisfy criticism about its legitimacy as a modern, democratic institution. Further changes would be required to accomplish that objective and, as the Prime Minister has clearly stated, fundamental reform of the Senate is the long-term goal.

As I stated earlier, this bill is an important first step, and it is a step that stands on its own as a laudable and extremely useful measure. If no further reform of the Senate were ever contemplated or accomplished, it would still represent a significant improvement to the status quo.

This bill addresses one of the key concerns that have been expressed about the Senate; lengthy terms are inconsistent with the expectations Canadians have of their democratic institutions. It does so without changing the essential character of the Senate and, indeed, it maintains the independent nature of the Senate and its role as a chamber of sober second thought. It will even enhance those roles by ensuring that the Senate becomes a more vibrant chamber, fuelled by new ideas and experiences.

This bill is not the end of reforms required, but it is an important beginning. It will provide a solid platform for further improvements. Let us respond to the expectations of Canadians and begin the process of modernizing this most important institution. Accordingly, honourable senators, I call on you to support this very worthwhile and worthy amendment to our Constitution.

Hon. Daniel Hays (Leader of the Opposition): Would the minister take a few questions?

Senator LeBreton: Certainly.

Senator Hays: Let me begin by thanking the honourable senator for her comments. They have elaborated on matters relating to the bill and that, of course is helpful. We will have the bill here for further debate and, at the end of questions, if I am still able to, I will move adjournment of the debate.

I have a couple of questions, some of them very simple, with respect to the term of eight years. Does this change the current Constitution in that the period between 30 and 75, which are now the years of eligibility for a senator, will disappear and a senator of any age will be eligible to serve? Is it clear that the eight-year term could be renewed?

Senator LeBreton: Thank you for the question. As the bill states, the age of retirement is automatic after eight years. It is silent about the minimum age, but by the same token, I would imagine that the same would apply. When we have the bill before committee for purposes of clarification, we could perhaps address this issue.

With regard to the issue of the eight-year term, you will recall, those of you who have studied the Molgat-Cosgrove recommendations, that they recommended a nine-year term, non renewable. In this case, if we are into a situation of appointing senators that have been elected in a specific jurisdiction, it will only hold that if a person stood for re-election and won.

It is an interesting question, and I am anxious to hear the comments of constitutional experts and other witnesses that will be called to the committee. As it is interpreted at the moment, yes, it would allow for re-appointment.

• (1450)

Senator Hays: I have another technical question. Before going to it, it is interesting you anticipate success in bringing forward changes to the Constitution that will see senators elected in the future.

As we all know, the Senate has only a six-month suspense veto with respect to matters involving the Constitution. This is a government bill introduced in the Senate. I wonder if you could clarify how this sits in terms of the time we would have to consider it, given that we have a six-month suspense veto on matters involving the Constitution.

I do not envisage this at all, but if this was not dealt with within the six months, would it automatically become a resolution of the House of Commons, should they adopt it, without any further step?

Senator LeBreton: We introduced this government bill in the Senate because we felt it would be the appropriate place to introduce it. It affects this chamber more directly.

On the question of suspense, in discussions with constitutional people, including Senator Beaudoin, I do not recall contemplating that this bill would not come into the Senate. We do not have a gun pointed at anyone's head.

We are trying to start with a modest first step in Senate reform. I will have to leave that question to someone more familiar with constitutional requirements than I am.

Senator Hays: It may be, honourable senators, that we do have an absolute veto in matters of constitutional change proposed under section 44, though I am unsure. I should have done my homework on this, but I thought I could take advantage of your expertise.

The important and interesting aspect is the characterization of this as a first step. I think the questions in all of our minds are: What is the next step? When will the next step be taken? What will the next step be? Can you elaborate on that?

Senator LeBreton: No, I cannot elaborate on that. The Prime Minister has clearly stated, as he did in an interview a few days ago, that this is a modest first step. We will get through this step.

As you know, a wholesale change to the Senate requires an amendment to the Constitution with seven provinces with 50 per cent of the population. Many suggestions have been advanced to the Prime Minister. British Columbia and Alberta have provincial Senate election provisions already in place.

Premier Lord from New Brunswick and Premier Binns from Prince Edward Island have publicly stated that they will look at a proposal for Senate elections in those jurisdictions. These are still ideas on the table, and there is no definitive plan for the next step.

When travelling across the country, the first complaint we get regarding the Senate deals with the very long terms, the fact that a person can be appointed for such a long period of time.

As a matter of fact, there was a precedent. When former Prime Minister Mulroney appointed Senator Stan Waters to the Senate, people made this argument at the time. Although Senator Waters was around 70 years of age when he was appointed, he unfortunately passed away. Had Senator Waters been a younger man and the Prime Minister appointed him because he had been elected by an Alberta election, the same problem would have existed: He would have been appointed until the age of 75.

In the context of democratic reform, the first step would be to use a section of the Constitution that had previously been used by Prime Minister Pearson. It did not require approval from the provinces to make one small step. However, I do not want to hazard a guess nor could I put a timetable on what comes next.

Senator Hays: The question of whether this is the best way to proceed or not is a very good one. It is one we must explore fully in terms of a step-by-step analysis or a more fulsome approach without taking away from the difficulty. I do not know how we can argue that we have Senate reform unless we explore the option more thoroughly.

I notice in your speech you mention the last paragraph of the preamble at least four or five times. You characterized it as supporting the view that this does not require provincial approval. It is not an amendment that rises to that requirement.

Could we ask that you provide us with the opinions or materials you have relied on from the Department of Justice or Intergovernmental Affairs or the Privy Council, the people who have advised and prepared this document so we can get a good start on that issue? Undoubtedly, it will be put into question. The sooner we receive the information will help us answer this question. I am sure we will be in second reading debate for a while, but soon we will go to committee.

Senator LeBreton: I would be happy to share any information in my possession that may be helpful.

I am certain some of the people we consulted will be called as witnesses, such as Professor Monahan, Senator Beaudoin and others, when the bill is sent to committee for a more in-depth study.

Hon. Anne C. Cools: I wonder if the honourable senator will take a question.

I have been listening with care, and two questions arise. Maybe I will ask the easier one first.

There is in constitutional parlance and in the law of Parliament a phrase: the balance and equilibrium of a Constitution. Constitutions are, designed as a whole, intended to function together.

My first question is with respect to tenure. With the creation of the BNA Act, it was thought that the tenure of senators should fall into the same category as the tenure of Superior Court judges. If you look at our history, you will see that tenure used to be life for both. The change to move them, judges and senators, from life tenure to age 75 happened roughly at the same point in history.

• (1500)

I am wondering whether, in terms of maintaining the balance of the Constitution, the government is planning to bring forward legislation to lower the tenure of service of superior court judges. An issue that is of significant importance to the design of an upper chamber is the balance and the relationships between all the coordinate parts of the Constitution. If the government has not wrapped its mind around that, I understand. However, I am wondering whether Senator LeBreton has anything to say about the relationship between the tenure of superior court judges and the tenure of senators.

Senator LeBreton: No, I do not. We were dealing with this issue strictly as it relates to the Senate of Canada. I was not part of any discussions in which a link was made to judges of the superior court.

Senator Cools: There is a whole set of important links and balances to many of the sections of the Constitution. One must also look to the law of Parliament and the law of the prerogative, which have not been mentioned.

My second question deals with section 44 of the Constitution Act, 1982, which the honourable senator refers to as Parliament acting unilaterally, but I think the correct term is not "unilaterally" but rather "exclusively." We do not like to say that Parliament acts unilaterally.

My question relates to that of Senator Hays, but it is a little more developed. I am looking for the constitutional authority that asserts that section 44 is adequate to amend the tenure of service of senators. If the constitutional authority is correct that the tenure of senators can be amended by virtue of section 44, I would like to know what the limitations are. In other words, could section 44 be used to amend the tenure of senators to one year? The government has chosen eight years, but under section 44 could the tenure be made one year, one week, one day, or even zero? Could section 44 be used, by amending tenure downward, to paralyze and abolish the Senate?

Senator LeBreton: That is an excellent question. I can hardly wait to hear what the constitutional experts say when the bill is in committee. The advice I received is that this section of the Constitution was used to change the tenure of senators in 1965 and that it is the section that could be used to make this change.

Senator Cools: I am inviting the senator to consider that, first, many so-called constitutional experts may be wrong. Second, constitutional experts are often in the habit, because they are paid to do it, of telling governments what they want to hear. Third, they appear to know a lot about a subject matter of which quite often they really know very little. That is not uncommon among these so-called experts. Frankly, the knowledge of many of them on Parliament's law is scant and scarce.

However, if this section can be used to change tenure of service of a senator to eight years, it can be used to change it to one year or to zero. This is a very important question.

I do not believe that section 44 was intended to be used thus. Senator LeBreton keeps saying "the Parliament of Canada." Section 44 does not say the Parliament of Canada. It says the Senate and the House of Commons. In other words, section 44 can be used for matters that concern the Senate only or the House of Commons only, but not the Parliament of Canada. That is quite a different thing.

In addition, to leave tenure of service to age of senators is certainly a mistaken constitutional phenomenon. I am very interested in the constitutional authority for this. I am interested to know what law they are relying on to make these statements, and I look forward to the debate.

The composition and service of the Senate is something in which many of us have more than a passing interest. I do not take the view that many do that because this bill does not touch me personally I should not be concerned. That is not how I approach life.

Where there is a requirement for change and improvement — and I have no doubt that these requirements exist — the best way to proceed is usually the most constitutionally appropriate way and the most legal way, rather than to act in haste. It worries me quite a bit. The phenomenon of changing the age of retirement is not the same or equal, constitutionally, as changing tenure. Tenure goes far beyond personal matters. When the age for service was changed, that was consistent with the Constitution, and it maintained the balance. At the time that the BNA Act was enacted, the average life span was 47 years, and the notion of life service was different.

There is an old joke that Sir Wilfrid Laurier appointed a 73-year-old and then suggested, "Don't worry, it won't be long before the seat is open again." It turns out that the "old boy" lived to be 103 or something like that.

We must ensure that the balance and equilibrium of the Constitution is well maintained. Most people, including myself, would like to see change, but change should be made properly. Senator LeBreton listed the number of senators who served for two years or three years — and one actually served for only six months — in the past ten years. It has always broken my heart that the Senate unfortunately became what prime ministers made it. There are huge problems with the Senate, but we must place these problems at the doorsteps of successive prime ministers, because they created the Senate that they wanted.

Senator LeBreton: We are not acting in haste. Some of the constitutional experts whom we consulted were not paid for by the government. Senator Beaudoin, who toils as a professor at the University of Ottawa, is not on the government payroll.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have two questions which I should like to precede with a request piggybacked on Senator Cools' point. She made an important point with her question about how far Parliament could go in diminishing tenure. Indeed, if there is no limit, it could be a backdoor way to abolition which, as we know, is something that ought to take provincial consent.

• (1510)

When the Leader of the Government is providing us with documentation, could she give us information about the advice the government was given concerning the dividing line at which it would become necessary, in the government's view, to seek provincial consent for a change in the term of Senate positions?

If we are doing away with the upper age limit and we continue to have a system of appointment to the Senate, what would prevent a prime minister over time — and not that much time actually — from appointing a bunch of octogenarians, nonagenarians and centenarians? I have infinite respect for people of advanced age; I hope to be one myself. However, their energies tend to be less. In other words, one could predict this might limit the effectiveness of the Senate. What would protect us against that?

Senator LeBreton: I had not thought of that scenario. I hope the debate can be such that we see this for what it is in terms of taking this first modest step to making changes in this place that will bring it more in line with public expectations. I cannot envisage a scenario where a prime minister would do such a thing.

The short answer is that I do not have an answer to that question.

Senator Oliver: They would have to be elected first.

Senator LeBreton: That is right, they would have to be elected.

Senator Fraser: That was, perhaps, a slightly exaggerated way to say that it seems to me there might be a limit in re-examining the notion of ditching upper age limits.

My second question relates to the preamble. I was pleased to see in the preamble the reference to this place as "a chamber of independent, sober second thought...". I think it was Senator Grafstein who first pointed out to me that once a bill like this becomes law, the preamble disappears, never to be seen again — but recognition is welcome wherever it comes.

However, it is pretty well known that one of the greatest levers any person with the power of hiring or appointment has over those who are hired or appointed is the power to fire or not to reappoint, in the case of contract or term employees. This is a well-established way to keep people in line. If the government is talking about a system in which senators could be reappointed, what does that do to our capacity to provide that independent thought?

Senator LeBreton: I thank Senator Fraser for her question. The debate about reappointment has always been predicated on the scenario, if it were to come to pass, of an elected senator winning re-election and then being reappointed. Senators are appointed now and we cannot be fired unless we do something that is against the rules and is clearly illegal or treasonous.

There has been much speculation about the potential of reappointment. I have raised the subject before. However, such a potential is always predicated on someone winning an election in a province, if that is the route we follow, then being appointed, then winning re-election and then being reappointed. That would be the argument for reappointment.

It is one of those questions about which, quite frankly, I am looking forward to hearing the debate on when this bill goes to committee as to how we actually deal with that particular issue.

All of these questions are valid. What this bill will do is provoke debate. There will be some interesting scenarios and some historical information brought forward about which some of us may not be aware.

That is one of the reasons I am hopeful this bill will receive a solid hearing in the Senate and in committee. Many of these questions will be answered by people who are much more knowledgeable than I on the subject of constitutional law and historical facts.

Hon. Sharon Carstairs: Honourable senators, as I read section 44 of the Constitution, it provides an absolute veto on the part of the Senate. What is important to consider as part of this debate is the fact that there are sections that require a suspensive or 180-day veto for the Senate, but this is not one of them.

My question has to do with the eight-year term. There is a bit of déjà vu here because my father was in the Senate in 1965. He was, in fact, a lifer. I remember this discussion at the family table and here we are having the same discussion yet again.

In the past there was a reference to the Supreme Court. That reference clearly indicated that there could not be fundamental change to the Senate of Canada without consultation with the provinces.

An argument can be made, and certainly Senator Murray made it yesterday in the media, that perhaps eight years is a fundamental change and therefore needs to be referred to the provinces. My specific question is: Why did the government make a determination of eight years rather than, for example, 12 years, which is the average life term, or has been, for senators in this place?

Senator LeBreton: I thank Senator Carstairs for her question.

Originally, a term of six years was suggested. We then went back and looked at the Molgat-Cosgrove recommendation for a 12-year term. The Australian example of six years was advanced, after which the committee came back with its nine-year recommendation.

The eight-year term in this bill is part of the government's democratic reform package, as I pointed out earlier. As honourable senators know, a bill to provide for fixed election dates was presented in the other place. The eight-year term was chosen for the Senate as it would equate to two cycles in the other place. It was chosen because it is a reasonable number of years. It would provide people appointed to the Senate with ample opportunity to serve. At the same time, it would allow the Senate to have more turnover. As I have said publicly, it is a way to refresh and bring new ideas into the Senate. That is really why the eight years was chosen. Again, all of these questions will make for great debate in this chamber and before the committee when we call in the constitutional and parliamentary experts.

• (1520)

Senator Carstairs: My second question has to do with the issue of what I consider to be, and have always considered to be, age discrimination. One cannot sit in this chamber until reaching age 30; one cannot sit in this chamber later than age 75. Because I believe that is an offence against the Charter, I want to know why that was not eliminated at the same time?

The second issue is, at the same time, why did we not get rid of that anachronism called the $4,000 property qualification?

Senator LeBreton: Thank you, Senator Carstairs. Actually, Senator Hays raised the question about the minimum age. Obviously the maximum age of 75 is waived, so it will be perhaps an amendment in committee. As I said to Senator Hays, it would only stand to reason: if we are to remove the requirement at one end, why would we not do so at the other?

Hon. Percy Downe: On numerous occasions in her remarks today, the Leader of the Government in the Senate referred to the changes made by Prime Minister Pearson in 1965. However, since 1965 the rules have changed. We have the Constitution Act of 1982 and the Charter of Rights. I noticed that previous governments have enquired on numerous occasions about making similar changes. We were always advised that, since 1982, the Department of Justice took the opinion that any changes to the term for senators would be under section 42, not section 44.

My question is: Did the government seek a legal opinion from the Department of Justice, and if so, would the minister table that before we start our debate?

Senator LeBreton: Thank you, Senator Downe. We had obviously had opinions from the Department of Justice and the Privy Council, and I will ask if it is possible to provide those documents. When we get into the committee hearings, I am sure all of those documents can be tabled at the committee, but I will ascertain exactly what the situation is.

Senator Downe: Thank you. As the minister is well aware, not all of the documents of confidence to the cabinet are prime minister's documents, but I know from my previous experience that the opinion of the Privy Council Office at the time was that this could not be done. I would like to see what has changed since 1998 to today.

Senator LeBreton: The honourable senator has the advantage of having had a position in the Prime Minister's Office similar to the one that I had, so I cannot tell who gave you your advice or why it has changed, Senator Downe, but I will certainly attempt to find out if there are different advisors.

We have been working on this issue for some time, and we have been looking at it for an even longer time. However, I will certainly ask the question of the people with whom I work over in the Privy Council Office. I am really impressed that you have managed to keep those documents. I do not remember keeping many of the documents from when I was in the PMO, but in any event I thank you, Senator Downe.

Senator Downe: You will need those documents for your book, minister.

Senator LeBreton: I am not writing a book.

Hon. Serge Joyal: I would like to commend the Leader of the Government on having introduced this important bill in the Senate. It is proper that the Senate be first to consider it. I appreciate the initiative.

The honourable senator has referred on many occasions in her speech to the last "whereas" that deals with the maintenance, and states, "to maintain the essential characteristics of the Senate within Canada's parliamentary democracy..."

I understand, of course, that the honourable senator refers to the Constitution of Canada. In my opinion, the tenure of a senator is an essential characteristic of the Senate of Canada. In fact, there is a specific provision in the Constitution for it. It is section 29. As I read section 29 of the Constitution, the heading is "Tenure of Place in Senate." Then, of course, the two paragraphs of section 29. The tenure of place in the Senate is one of the essential characteristics as provided in the Constitution of Canada.

Therefore I want to ask of the honourable senator how she can contend that to change the tenure of place in the Senate that Canada as provided for in the present Constitution, as it is proposed in Bill S-4, does not change an essential characteristic of the Senate, because the Constitution originally had a very specific objective in providing for the tenure; a long-term tenure. How does the honourable senator contend that the change provided in Bill S-4 in fact does not substantially change an essential characteristic as provided in section 29?

Senator LeBreton: Thank you, Senator Joyal. The advice that we received is that certainly the overall characteristics of the Senate and its legislative role does not change simply because senators are appointed for eight years instead of 20 or 30 or retiring at age 75. That will be a great debate when we call the witnesses. I pointed out that there were many senators who did not serve eight years — many indeed — and they served this place very admirably. The fact that they had shorter terms than eight years did not in any way alter the role or the characteristics of the Senate.

I was persuaded by the argument advanced by people who talked about this section in the Constitution that a simple step like changing the tenure of senators to eight years in fact will not change the work of the Senate or what we do in the Senate. As a matter of fact, one could make the argument that it would enhance it because there would be people coming in with new ideas and new approaches. It would, in my view, strengthen the characteristics of the Senate.

However, again, Senator Joyal, certainly the government and I, and the Prime Minister, recognized that when we introduced this bill in the Senate, it would provoke vigorous and knowledge-based debate. That was certainly the view of Senator Beaudoin, and he repeated it again yesterday. I saw him on one of the television panels. However, Senator Beaudoin was adamant in his view. It is as the old saying says: Ask 10 people for an opinion and there will be 10 different opinions. I suppose that will be one of the debates we will have as this bill makes its way through the chamber and into committee, and then back into the chamber.

Senator Joyal: Again, in the same "whereas" that was quoted by the honourable senator, the honourable senator referred to the Senate as a chamber of independent, sober second thought. Nowhere in the Constitution of 1867 do we find those qualifications: "Independent, sober second thought." Those qualifications stem from the essential characteristic of the Senate, as provided in the Constitution.

• (1530)

If the honourable senator contends that changing the senators' terms does not impinge on the independence or capacity of the institution to provide sober second thought, in fact, there is a direct relation to the nature of the Senate's independence. The Senate has a longer term than the other place; we are not dependent on the electoral cycle. The turnover in the Senate is not linked to an election. As you know, it is linked to retirement age or to a senator wilfully withdrawing from the Senate, as has happened in the past. Senators might resign for reasons such as health reasons or to pursue other careers.

The same applies to sober second thought. How can we portend to provide sober second thought? Because we come here at an age when most, if not all, of us, are of the average age of 50 or over. We come here having had the benefit of gaining professional experience prior to being called to this place by Her Majesty's representative. There is a link between the age factor to qualify at the beginning and the term. That is what provides the independence and the sober second thought.

In my opinion, the government cannot simply say we will make it six years, or eight years, or why not nine years, as has been quoted from various reports. To determine an age factor for this place, if we are to maintain it in its essential characteristic, as the honourable senator contends this bill does, we have to take into account the kind of work we expect from this chamber.

The honourable senator has not explained how the bill maintains that link. In other words, the age factor is very important for determining the type of people who are chosen, the kind of experience we expect of them, and, of course, the kind of outcome we expect this house to provide, which is different than the other place. No one thinks that the other place is independent and provides sober second thought.

There are reasons why this place provides independence and sober second thought in its deliberative function. That is essentially what we are. We are a deliberative chamber, and we bring to our deliberations certain qualifications that the other place does not provide. Why? Because the tenure of place to me is a determining factor. The moment you change that, it has an impact on the end result. In fact, I refer honourable senators to the Wakeham report by the Royal Commission in the Westminster Parliament, where we derive our principle. The Royal Commission on the reform of the House of Lords provides a very illuminating chapter on tenure and makes specific proposals as to the length of time, provided we respect the objectives and purpose of a second chamber.

I wish to hear from the honourable senator how the government is so convinced that what she proposes now does not in fact change the essential characteristics that command the kind of work that this house is expected to perform in their deliberative function.

Senator LeBreton: I thank the honourable senator. He makes a very persuasive argument.

I happen to be of the view — and again, we do not all share this view — that the fundamental characteristics of the Senate would not be compromised. What may have been seen as a characteristic in 1867 has likely evolved as our Senate has evolved.

The honourable senator makes good points, but obviously, there is one view expressed here. There will be other views on both sides of the chamber, and it will not necessarily follow any particular political line but simply the strongly-held views of individual senators. The points made by the honourable senator are valuable to the debate on this bill, as well as when we call experts as witnesses before the committee.

I have listened to Senator Joyal many times. He has a great understanding and appreciation of the historical and traditional roles of the Senate and Parliament. I cannot give him an answer that he will agree with, as I believe that this step that we are taking is a very small step. It will help revitalize and modernize the Senate, and I do not personally believe that these steps will, in fact, alter the fundamental characteristics of the Senate as we now know it.

Hon. Jerahmiel S. Grafstein: I will try to be brief. Senator Joyal has raised the concern that I share, which is the nature of the deliberative process here and how we preserve this as a chamber of sober second thought. Each of us in this chamber would agree that is essential.

Let me draw a more acute comparison. There is another process in Canada that shares some of the same characteristics of the Senate, and that is, going back to William Blackstone and his chapter entitled "The Separation of Powers". There is a separation of powers from the executive on the other side. We, in turn, share that separation of powers. We are to be a crosscheck on both the executive and the other place. The other place is a crosscheck on the Senate and the executive. Those are the checks on power built into the system.

The final check is the judicial process. Would the characteristics of the deliberative process under the judicial system be changed if the government chose to appoint judges for eight years?

Senator LeBreton: I thank the honourable senator. That is similar to the question asked by Senator Cools.

I do not think we should be reading anything more into this than the intent of the legislation, which is to modernize and bring the Senate more into line with modern democracies. Its intent is to introduce a system whereby people appointed to this chamber serve a term of eight years. People should not be assuming any motive as to what comes next in terms of the judiciary, because there is no such motive. This is simply an effort to modernize, revitalize and address some serious concerns we have heard across the country. Canadians have told us that the Senate is no longer seen as a viable, democratic institution.

Senator Grafstein: The Supreme Court of Canada has made it the heart of its argument that no changes can be made to Parliament without Constitutional amendment in the form with which we are all familiar.

The pith and substance of its argument was that one chamber or one part of this three-footed organizational structure within Parliament — the executive, the House or the Senate — could not change without the proper amending formula.

• (1540)

Therefore, the question that I ask is not about a little change, a satisfactory change, a step in the right direction or a little modernization, a little bit of this and that, and hoping it all works out. The Supreme Court said that if we change the essential characteristic of any House or any aspect of our governance, a constitutional amendment is required.

I ask the Leader of the Government in the Senate again, is it not fair to compare Senate appointments with judicial appointments, which by their nature hold certain characteristics of independence in the same way that we share in this place, and if there is a difference in the nature of that process, does it not change the essential nature and characteristics that would require, according to the Supreme Court, a constitutional amendment?

Senator LeBreton: Honourable senators, the question hinges on the argument about whether we believe the bill would make changes to the essential characteristics of the Senate. The premise of this bill is that it does not. The constitutional advice we received, including from former Senator Beaudoin, was that this would not require a reference to the courts because the bill does not change the essential characteristics of the Senate.

That is the hill on which this debate will be fought, but the advice that we were given — and I certainly have a great deal of faith in the advice of people such as former Senator Beaudoin — is that in no way would this particular piece of legislation that we have tabled here in terms of the eight-year tenure in any way be challenged in the courts.

Therefore, the honourable senator's question and those of Senator Joyal get to the nub of the issue as to what we believe are the essential characteristics of the Senate. I personally believe — other people obviously do not, and maybe some on your side agree — that this is a modest first step and that this bill does not in any way alter the essential characteristics of the Senate.

Hon. Tommy Banks: The government has obviously carefully considered the matter addressed in this bill, including the question of essential characteristics.

I believe that all senators would agree that the most essential characteristic, the pivotally important characteristic of the Senate — the raison d'être of the Senate — is its independence, as referred to in the last paragraph of the preamble to this bill. If the Senate is not independent, there is no rational reason for its existence.

As I read the bill, it permits of reappointment to a second term; at least, it does not preclude reappointment to a second term. I ask the Leader of the Government in the Senate to imagine a situation in which a young person of, say, 40, 45 or 50 years of age has been appointed to the Senate, has served eight years, and either is deserving of or seeks reappointment, which would be at the pleasure, in the present circumstances, with which we must deal, of the Prime Minister.

Is it possible to imagine the independence of the Senate or of that particular senator or of other senators in that situation being genuinely maintained when, in order to be reappointed, they must not, unless he or she is a most remarkable person, incur the enmity or displeasure of whoever happens to be the Prime Minister of the moment?

I will speak immodestly personally, that I was appointed by a Prime Minister — and served under a succeeding Prime Minister and now under another one — whose displeasure I invoked from time to time, but I did so without fear or favour because, to be blunt, he could not get rid of me. I am wondering about the dichotomy that exists between reappointment being a possibility after the first eight years, on the one hand, and independence, on the other. They seem to me to be mutually exclusive.

Senator LeBreton: Honourable senators, that is part of the same debate. The hypothetical situation of reappointment is always predicated on the person seeking re-election. Another Prime Minister may treat this piece of legislation a little differently, but the fact is, that is one of those interesting hypothetical scenarios that will make great debate in this place when the bill is referred to the committee.

Hon. Elaine McCoy: I have a question for the Leader of the Government. Bill S-4 refers twice in its preamble to "principles of modern democracy." Would the leader please recite those principles for the edification of the chamber?

Senator LeBreton: How many hours does the honourable senator have? Was she present for my entire speech?

I will take that question as notice. We could get into a philosophical debate about the principles of modern democracy that would keep us going for another four or five hours.

I am anxious to hear the honourable senator's speech on this issue. If I have questions, I will ask them. If she will share with us in her speech her views as to what she sees as principles of modern democracy, I would welcome hearing them.

Senator McCoy: Did I take the Leader of the Government to have said that she would take my question as notice and present those principles as she understands them to us?

Senator LeBreton: I simply said that if we got into a debate on the principles of modern democracy, as the honourable senator is asking this question in the context of my speech, I will return to my office and construct a few paragraphs of what I believe are the principles of modern democracy and be happy to provide them to the honourable senator.

On motion of Senator Hays, debate adjourned.

• (1550)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein moved second reading of Bill S-206, to amend the Criminal Code (suicide bombings). —(*Honourable Senator Grafstein*).

He said: Honourable senators will recall that the subject matter of Bill S-206 was placed on the Order Paper as Bill S-43, with second reading on October 18, 2005, in the last Parliament. The bill died on the Order Paper when the Thirty-eighth Parliament was dissolved on November 29, 2005.

Bill S-43 was, as Bill S-206 is, a simple amendment to clarify an explicit gap in the language of the Criminal Code. Section 83.01 of the Criminal Code is amended by adding the following, after subsection (1.1):

> (1.2) For greater certainty, a "suicide bombing" comes within paragraph (a) and (b) of the definition — "Terrorist activity" in subsection (1).

This amendment would clearly establish "suicide bombing" per se as a criminal offence. For four years, the Organization for Security and Cooperation in Europe, the world's largest international governmental and parliamentary organization dedicated to human rights, where I am privileged to serve as a senior officer, has consistently passed unanimous resolutions, including Canada, condemning suicide bombing as a crime, and specifically as a crime against humanity.

From Vladistock to Vancouver, 55 civilized states, including Canada, are active members of the OSCE. The OSCE emerged in 1990 from the Helsinki process that started in 1974. The parliamentary assembly's most recent resolution on "suicide bombing," reciting a more than four-year history of the OSCE resolution, was adopted, once again unanimously at the last annual parliamentary assembly of the OSCE in Washington in July 2005, to place this amendment to our code in the proper and appropriate international context.

As an active member of the international organization and an active member state of the OSCE, Canada has consistently supported resolutions declaring "suicide bombing" as a crime, and specifically a "crime against humanity." The obvious purpose of this amendment is to conform Canada's international principles and practices to our domestic criminal law. Honourable senators, we have learned that "principles and practices march best when they march together."

This amendment fully accords with Jewish, Christian and Muslim teachings against the intentional homicide of innocent persons and innocent lives by persons committing suicide by their tragic action.

Honourable senators will recall last July 18, in response to suicide bombings in London on July 7, more than 500 British Muslim religious leaders and scholars offered condolences to the families of victims and issued a fatwa that condemns "the use of violence and the destruction of innocent lives." The fatwa goes on to say that "suicide bombings are vehemently prohibited." This fatwa was proclaimed by the British Muslim Forum, BMF, outside the British Houses of Parliament. There, the BMF Secretary-General, Gul Mohammad, quoted from the Koran, saying, "Whoever kills a human being ... then it is as though he has killed all mankind; and whoever saves a human life it is as though he had saved all mankind." He then quoted the Koran, Surah al-Maidah paragraph 5, verse 32.

That honourable gentleman went on to say:

> Islam's position is clear and unequivocal: murder of one soul is the murder of the whole of humanity; he who shows no respect for human life is an enemy of humanity.

About 50 Muslim leaders and scholars from around the U.K. stood together outside the Houses of Parliament in London in support of Mr. Mohammad as he publicly read out this fatwa.

In a separate public statement, the British Muslim Forum, with nearly 300 mosques in the U.K. affiliated to it, noted that this fatwa would be read out in all the mosques across Britain on July 22, and it was. This public statement also stated, "We pray for the defeat of extremism and terrorism in the world."

Then, 40 Islamic leaders and scholars at a meeting of London's Islamic Culture Centre, organized by the Muslim Council of Britain, MCB, issued yet another declaration denouncing "suicide bombings."

An honourable senator, even before the time of Moses, said the intentional taking of innocent human life was prohibited. Witness the story of Caine and Abel. This edict was encapsulated in the sixth of the Ten Commandments. At Sinai, in the two tablets of the Covenant that Moses unveiled, the idea of freedom was limited or circumscribed by the Ten Commandments. One tablet dealt with honour and respect and the other with human well being. That Decalogue is found in the Old Testament, in Exodus 20:13; and in Deuteronomy 5:17. The original Aramaic text of the Old Testament uses different words for intentional versus unintentional killing.

The King James Version in modern translations now uses this translation: "You shall not murder." This translation is more linguistically nuanced and more closely represents the original meaning of the ancient Hebrew text. The original root Hebrew word of "tirtzach" in the sixth Commandment is "ratzach", which ordinarily refers to intentional killing without cause.

The Talmud then went on to explain, in references to suicide, which "For the world was created for only one individual to indicate that he who destroys one human life is considered as though he destroyed the whole world." In effect the Talmud echoed the Koran.

Hebrew law considered accidental killing as not punishable. The Old Testament distinguished carefully between intentional murder without cause and accidental killing. Thus, in the Old Testament, "cities of refuge" were designated so that an unintentional killer could flee to escape revenge or retribution. Under the Old Testament, breaking other sacred laws such as honouring the Sabbath is permissible if breaking that law will help save just one human life. To protect one's own life against intentional murder by another, the law of self defence is equally permissible.

Christian theology, including Protestant, Catholic, Orthodox and Eastern Rites denominations, makes it equally clear, prohibiting intentional murder of innocent people.

In Matthew 19:18, Jesus said "Thou shalt do no murder." Killing in self-defence is also not deemed murder within the confines of the New Testament. As for suicides, Corinthians 6:19-20 prohibit taking of one's own life. Those more familiar with this Christian coda might be more expansive on Christian theology than I on the question of intentional taking of innocent lives with mens rea.

The entire rationale for our Criminal Code is to be precise and to ensure that crimes are proved beyond a reasonable doubt. Strict onus of proof remains with the state. Clarity is essential when the Criminal Code and the power of the state are arraigned against any person.

The Criminal Code, honourable senators, is a codification of our laws of conduct pertaining to our civilized society and our civilization. Is there any reason, honourable senators, not to clarify the Criminal Code and make "suicide bombings" an express, explicit criminal offence? On the careful reading of our Criminal Code and the Anti-terrorism Act, there was no specific criminal offence of "suicide bombing" per se.

A specific prohibition against "suicide bombing" would directly assist and enhance the prosecutions of those unsuccessful "suicide bombers" and of those who individually and collectively conspire to assist in "suicide bombings." Peace, order and good government lies at the base of Canada's system of the rule of law. "Suicide bombing" is contrary to the heart of the national principles of constitutional governance.

Our criminal law as it stands does not expressly prohibit those who intentionally choose to lose their own lives as a means of taking as many other civilian lives as possible. If "suicide bombing" is tantamount to "homicide," the Criminal Code should eliminate any doubt about it as a clear-cut, express criminal offence.

This surgical amendment will help to bring attempted suicide bombers and those collaborating with them to justice. This surgical amendment would discourage, as the Criminal Code should, the encouragement of such conduct that we conclude is abhorrent to our entire civilized society. While a modest amendment, it represents an important clarification of the principles deeply embedded in our Criminal Code.

The Criminal Code evolved to give greater emphasis to victims, including their families. This amendment would help to remediate appropriate victims' concerns.

• (1600)

The nature of criminal law is to mediate between morality and reason. The purpose of criminal law is to draw precise lines between acceptable and aberrant behaviour. In the process, criminal law forewarns, censures, ostracizes, isolates and seeks to undermine and hopefully reduce, if not expunge, aberrant behaviour from our civic society. The criminal law requires precision rather than vagueness as the state arraigns its mighty powers against aberrant behaviour of the individual.

[Senator Grafstein]

Honourable senators, I believe I have made the case to remediate our Criminal Code and the criminal law to prohibit expressly "suicide bombings" under the Criminal Code.

I commend to honourable senators a book that was published after this bill was first introduced, entitled: *Dying to Win: The Strategic Logic of Suicide Terrorism*, by Robert Pape, a professor from the University of Chicago. In it, he painstakingly analyses and documents a demographic profile of suicide bombers and the groups who conspire to assist and aid them. He concludes that, for the most part, these individuals are neither poor, nor desperate, nor uneducated religious fanatics. More often than not, they are well-educated, middle-class, political activists.

Honourable senators, we spend most of our life in politics. We have observed desperate politics at home and desperate politics abroad. With this human weapon, suicide bombers have taken political activism to a profound level beyond the core of our civilized principles and beliefs.

The sad news is, I quote from a message I received just last Thursday from Mr. Pape from Chicago:

> Suicide terrorism continues to rise rapidly around the world.

Honourable senators, cannot Canada follow the lead of 54 other countries of the OSCE who have condemned suicide bombings as abhorrent to all civilized societies?

I remain indebted to my parliamentary colleagues at the OSCE and the work of a Canadian organization, Canadians Against Suicide Bombing, who have urged the UN and Parliament to take action to remediate and remedy this unnecessary uncertainty in our criminal laws. Their website has received over 35,000 hits, which indicates a deep interest in this issue from Canadians from every corner of our land. The legal views I have reviewed include those of Professor Jean Castel.

I urge a speedy adoption of this amendment. This amendment would send a clear message of abhorrence and condemnation to those who would praise, plan or implement suicide bombing against innocent citizens.

Let me end with this quote from my old distinguished dean, Dean Cecil Augustus Wright, of the University of Toronto Law School, in a speech he made at the opening of the University of Toronto Faculty of Law in 1962, when he quoted Mr. Justice Frankfurter of the U.S. Supreme Court:

> Fragile as reason is, and limited as the law is as the expression of the institutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and the cruelty of unbridled, undisciplined feeling.

Honourable senators, this amendment reaches into the pith and substance of our Criminal Code. I commend its support from this chamber.

On motion of Senator Comeau, debate adjourned

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING—DEBATE ADJOURNED

Hon. Terry M. Mercer moved second reading of Bill S-214, respecting a National Blood Donor Week.—(*Honourable Senator Mercer*)

He said: Honourable senators, I am pleased to rise in this chamber today to speak at second reading of Bill S-214, respecting a National Blood Donor Week.

I am bringing forward this piece of legislation with the help of my colleague, the Honourable Senator Cochrane from Newfoundland and Labrador as well as several members of Parliament representing all of the political parties.

Last year, Canadian Blood Services and Héma-Québec approached parliamentarians asking for our support in order to bring this legislation forward. We were committed then and we are still committed now.

Honourable senators, this bill will allow the federal government to designate a week in June, which coincides with World Blood Donor Day on June 14, National Blood Donor Week. This proposed legislation supports the ongoing efforts throughout the year to recruit blood, plasma, platelet and bone marrow donors. These donors are the foundation of our national blood system, but the bill will also provide an opportunity for Canadians to take time to celebrate and to thank the donors and volunteers who contribute their precious time and their blood products to help their fellow Canadians.

I believe honourable senators will agree that this is a cause worthy of the support of the Senate of Canada, the House of Commons and all Canadians from coast to coast to coast.

Honourable senators, blood operators act on the basis that safety is vital. Each unit is manufactured into as many as three different products used in a variety of ways. Not many people realize that it can take 50 units of blood to treat one trauma case, 100 units for one liver transplant and six units for one heart bypass surgery. These are only a few of the reasons that blood operators need our support.

Another reason that blood operators need our support is a little 7-year-old girl named Shanelle Longman of Regina, Saskatchewan. Shanelle has had so many transfusions of blood, plasma and platelets during her two years of active treatment for leukemia that her family lost count. Cancer-free today, she has only a few words to say about the blood donors before she rushes off to play with her grade 2 classmates: "I am very happy they were there." I could not have said it better myself.

The fact is that the two blood operators collect an annual 1.1 million units of blood from less than 4 per cent of the eligible donor population. This percentage must increase. With the help of this bill, Canadians will realize that they can no longer wait for their neighbour to donate blood. This is why I am so pleased to have been asked again to lead this all-party effort to support the designation of a National Blood Donor Week.

I wish to thank my many colleagues who have agreed to work with me to ensure that this bill is passed as quickly as possible. Given the approach of World Blood Donor Day, on June 14, I am encouraged to see that we can all come together for one common cause, a cause that will touch the lives of more than half of Canadians at some point in their future.

Thank you, honourable senators.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 37(3), I ask that the period of time normally reserved for the first senator to speak immediately after the sponsor of the bill not go to Senator Cochrane, but be reserved instead for the honourable senator who will speak on behalf of the government.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

[*English*]

Hon. Ethel Cochrane: Honourable senators, it is a pleasure to rise today to echo the comments made by the Honourable Senator Mercer concerning Bill S-214, an act respecting a National Blood Donor Week.

In supporting a National Blood Donor Week in Canada, honourable senators will join citizens around the world in celebrating donations of blood, plasma, platelet and bone marrow. These are true acts of heroism. The World Health Organization celebrates World Blood Donor Day on June 14 every year, at which time 190 World Health Organization member states and over 200 voluntary blood donor organizations lend their support to this particular cause. This bill will allow Canadians to join in this worldwide effort with a full week of celebration each and every year.

• (1610)

The blood system operators, Héma-Quebec and Canadian Blood Services, along with Health Canada and the provinces and territories, work together to support a blood system that is first class and among the safest in the world. This is a system whose blood and blood products keep people alive and improve their quality of life. It ensures the safety of every product through state-of-the-art testing that continues to evolve with advances in science.

Honourable senators, I would like to remind you all of the scope of the blood system in Canada. Donations are gathered at 45 permanent collection sites and more than 17,000 special mobile clinics held annually across Canada. In fact, one of these mobile clinics will be right here on Parliament Hill next week to collect blood donations. These sites and clinics are operated by almost 6,000 employees, with the help of more than 40,000 volunteers. These efforts result in the yearly collection of almost 1.1 million units of blood for over half a million donors. That is our blood system.

However, as Senator Mercer said in his remarks — and I think this merits repeating — less than 4 per cent of those eligible to donate actually do donate. Honourable senators, with the bill before us, we have a unique opportunity to help change that.

Honourable senators just heard Senator Mercer tell the story of Shanelle. I know there are thousands of other stories from across the country of people whose lives have been saved because of the efforts of strangers. I am sure virtually all of us here today have someone in our lives who, like Shanelle, has benefited from blood and blood product donations. I simply ask you: What would have happened if the necessary blood and blood products were not there when they needed them?

Canadians know that by giving just an hour or so of their time a couple of times a year, they can help a father become a grandfather, a young child become an adult and proud parents see their children grow up. This is why I urge you to pass this bill.

Hon. Sharon Carstairs: Honourable senators, this is not a bill that I took more than a cursory interest in when it was last introduced into this chamber. Like most of you, I recognize the importance of blood, but it had not hit home.

Last December 5, I received a phone call from my daughter to tell me that my son-in-law was in intensive care and that it did not look good. He was a 42-year-old, perfectly healthy individual who, within a 24-hour period, went from teaching school to being in intensive care.

As it turned out, he had a very rare disease called autoimmune hemolytic anemia. We almost lost him twice. Every single day he received units of blood until they could get to the root cause of the problem. After removing his spleen, with no success or improvement in his condition, and having put him on chemotherapy despite the fact that he did not have cancer, they continued to give him units of blood. The result is that he is now a healthy member of Canadian society again. However, without the numerous units of blood that he constantly received over a 15-day period, he would not be with us and our family would be much less well off than we are without Paul as an integral member of it.

I urge you all to support this bill.

On motion of Senator Comeau, debate adjourned.

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY SOFTWOOD LUMBER AGREEMENT— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Milne:
>
> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;
>
> That the Committee analyze, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers. —(*Honourable Senator Comeau*)

Hon. David Tkachuk: I have taken Senator Comeau's place, if I may.

Hon. Lorna Milne: Honourable senators, I rise to take part in this debate because of my great concern over the issue raised constantly in this chamber by Senator Ringuette, the softwood lumber deal. It is of vital importance to her own province of New Brunswick, but it is also important to all of Canada.

In my own region of Northern Ontario, the economy will be devastated by the implementation of this agreement. The region is already struggling as more mills close down every single month.

I want to continue to let Canadians know what this deal, this giving away, means for all of us. If I may refer to the document from which Senator Ringuette was reading yesterday, and specifically to Article IV, which ends by saying:

> $US 500 million of that amount...

— the amount of the countervailing duty that has been collected that will not be returned to Canada —

> — shall be distributed to the Coalition for Fair Lumber Imports and $US 500 million shall be distributed to a fund [for joint initiatives benefiting the North American market and meritorious initiatives in the United States as identified by the U.S. Government in consultation with Canada].

Honourable senators, that is disgraceful.

The third part of Article V says:

> 3. The Parties acknowledge that this distribution of deposits does not constitute a precedent for distribution of duties to any entity other than importers of record.

To me, that says that any new company starting up will be hit once again by these outrageous duties.

Article VI, where Senator Ringuette ended, is basically boilerplate for three pages.

Article XV has a wide range of options — again, boilerplate for another three pages. We have gone on long past the three pages that were presented to the agriculture committee.

> ARTICLE XVII
> ANTI-CIRCUMVENTION
>
> 1. If exports from the Atlantic Provinces to the United States exceed 100 percent of softwood lumber production in the Atlantic Provinces in any quarter, then exports to the U.S. from the Atlantic Provinces in the following quarter will be subject to a penalty of $CAN 200 mbf on that excess.

I assume they mean Canadian dollars equivalent to THE price of 200 million board feet on that excess. This will completely devastate the industry in all of eastern Canada.

ARTICLE XVIII
DURATION

1. The Agreement will remain in place for seven years and may be renewed by agreement of both Parties for an additional two years.

ARTICLE XIX
AMENDMENT

1. This Agreement may be amended at any time by agreement of the Parties.

That generally means the U.S.

Article XX is definitions; Article XXI is entry into force. That comes basically to the end, or 11 pages of the meat of the document. This is more than the three pages that were presented to the committee.

Annexes also make very interesting reading. Annex 1, softwood lumber products, goes on to tell us what products are covered by this agreement. The fifth one is coniferous wood flooring, including strips and friezes for parquet flooring not assembled, continuously shaped, tongued, grooved, rabbited, champered, V jointed, beaded, moulded, rounded or the like, along any of its edges or faces, whether or not plain, sanded or finger-jointed. In other words, for any value-added material that has its value-adding work done in Canada, that means that industry will no longer be able to be helped by the government or by subsidies of any kind whatsoever for the next seven years plus two.

• (1620)

Lumber originating in the U.S. shipped to Canada for minor processing and imported into the United States is excluded, of course, from the scope of this order if the following conditions are met: First, that the processing in Canada is limited to kiln-drying and planning to create smoothed sideboard and sanding; and second, if the importer establishes to the satisfaction of U.S. Customs and Border Protection that the lumber is indeed of U.S. origin. This goes on and on and on, and I am very concerned about it. All of this is such bad news for the Canadian softwood lumber industry.

MOTION IN AMENDMENT

Hon. Lorna Milne: Honourable senators, I move, seconded by Senator Ringuette:

That the motion be amended by replacing the period with a semicolon after the word "workers;" and

That the committee submit its final report no later than October 2, 2006.

The Hon. the Speaker: Is the house ready for the question on the motion in amendment?

Hon. David Tkachuk: Honourable senators, I have been following with great interest the interventions of Senator Ringuette's in regard to the softwood lumber agreement announced by the Prime Minister. There are a couple of things that senators should know about the debate on this issue. This is the purview of the Standing Senate Committee on Agriculture and Forestry, which has met. I do not know whether Senator Ringuette has talked to her colleague, Senator Fairbairn, chair of the committee, to know that the Honourable Gary Lunn, Minister of Natural Resources, has appeared before the committee. The minister, who tabled the framework agreement, spent much of his time before the committee speaking to the softwood lumber agreement.

I do not know what piece of paper members are reading from, but there is no other agreement. The committee was told by Minister Lunn that negotiations are taking place on the framework agreement. It is estimated that by the end of the summer, the framework agreement will be completed. I would add that the Agriculture Committee has also agreed to hear from the Minister of International Trade, the Honourable David Emerson, next Tuesday at 5 p.m. to speak to the subject of the softwood lumber agreement. It is my understanding that officials from Natural Resources Canada will appear as well and I am sure that a significant amount of the discussion will centre on the subject of softwood lumber.

Honourable senators, I am unsure as to the reasons for this debate on mandating the Standing Senate Committee on Banking, Trade and Commerce, which has already submitted a number of items for study to the Senate, to study the issue. The committee's agenda is full between now and the end of June.

I know that while Senator Ringuette has been very excited about the softwood agreement, the committee was told by Minister Lunn that the Maritime provinces have been totally exempted. There is still full free trade on softwood lumber products between the United States and the Maritime provinces. That discussion will ensue with Minister Emerson at next week's meeting of the Agriculture Committee.

Honourable senators, this is not a matter for the Banking Committee, but rather it is a matter for and the preserve of the Standing Senate Committee on Agriculture and Forestry. It is unfortunate that Senator Fairbairn is not present at the moment, but I am certain that she would agree that removing this subject from the Agriculture Committee in the midst of our deliberations is not something that the Senate should wish to do.

Hon. Sharon Carstairs: Would the honourable senator take some questions?

Senator Tkachuk: I would be pleased to respond to the honourable senator.

Senator Carstairs: Would the honourable senator agree that it is surely within the mandate of the Banking Committee to study an international trade agreement?

Senator Tkachuk: Honourable senators, I did not say otherwise. I simply said that the Agriculture Committee, under its mandate to study forestry, deems it appropriate to deliberate on the matter of softwood lumber and has, therefore, taken the initiative to call witnesses from time to time to ask questions on the issue. I did not say that the Banking Committee could not study the matter, I simply said that the Agriculture Committee is already studying it.

Senator Carstairs: Am I correct that the honourable senator is saying that he would not object if two committees of the Senate of Canada studied the matter, each with a different perspective — one looking at the forest industry as a general topic, and the other specifically addressing the areas of trade and commerce — and would do the Senate and Canada a great deal of good by ensuring that the subject has a thorough review?

Senator Tkachuk: I beg to differ that the senators on the Agriculture Committee are incapable. Many of us have served on the Banking Committee as well as the Foreign Affairs Committee. The Agriculture Committee deals with trade matters with respect to agriculture frequently because agriculture, particularly in Western Canada, is only about trade. We have many discussions on the subject of international trade in wheat products and, in the past, we have had discussions on international trade in forestry products.

The committee members have the expertise to study the matter and it would seem strange that the Senate would mandate two committees to study the same issue. Therefore, I believe that one committee is sufficient and that ministers should not have to appear before two committees on the same matter.

Senator Carstairs: The honourable senator indicated that the Atlantic provinces would not be affected by this agreement because they are exempt, and yet, minutes ago, Senator Milne told the house that one of the appendices limits the amount of trade in which the Atlantic provinces can engage.

Senator Milne: That is Article XVII.

Senator Carstairs: Could the honourable senator ask the minister, when he appears before the committee, to explain how the Atlantic provinces will not be impacted when one of the appendices says that they will be impacted?

Senator Tkachuk: Senator Oliver is a capable proponent and defender of the Maritime provinces. I am sure that he will ask those questions when Minister Emerson appears before the committee next Tuesday. There is no doubt in my mind about that.

The document that was read in this chamber came from a brown envelope.

• (1630)

We have no idea where it came from. We do not know if it is a draft. We do not know if it is the scribbling of a bureaucrat. We do not know anything about that document.

They can table that document and send it to Senator Mercer, who can then ask questions about it in committee, if he wishes.

I think that there are many senators with an interest in agriculture and forestry to defend the interests of Western Canada, the Maritime provinces and the rest of the country.

Senator Carstairs: I must interject. I was going to finish on that last question, but the senator has indicated a willingness from the other side to have the document tabled. Would the senator agree that the document to which Senator Ringuette referred be tabled in this chamber?

Senator Tkachuk: I meant to say that the document could be tabled with Senator Mercer, and he can bring it to committee.

This is a fairly serious matter. It concerns the chairman of our Agriculture and Forestry Committee, who is not here. We do not have the deputy chair here. We do not have the chair of our Banking Committee here. We do not have the deputy chair of the Banking Committee here. In fairness to everyone, I cannot see why we would be dealing with this matter when all these people are absent and when Minister Emerson is coming to committee on Tuesday.

Hon. Joan Fraser (Deputy Leader of the Opposition): I had understood him to be rising to speak to the amendment before us, which would insert a reporting date. I have had the pleasure of working with Senator Tkachuk on at least one committee and I know that he takes very seriously the need for rigour in committee work and the need for discipline and adherence to sound principles. Would the honourable senator agree in that spirit, that it is highly desirable that, when the Senate is contemplating a committee study, a termination date or a deadline be included in the order of reference?

Senator Tkachuk: Is that a question?

Senator Fraser: I said, "would you agree?"

Senator Tkachuk: To me, it seems that it is a moot question, because the Standing Senate Committee on Agriculture and Forestry Committee is dealing with this issue. I have not given the amendment a lot of thought, so perhaps I should just take the adjournment on this and continue on Tuesday. I move the adjournment of debate on the amendment.

The Hon. the Speaker: It is moved by the Honourable Senator —

Hon. Pierrette Ringuette: The honourable senator has already spoken on the amendment, so he cannot, I think, by the rules, take the adjournment one more time.

The Hon. the Speaker: I am advised by the table that Senator Tkachuk's 15 minutes have not elapsed, so he is still eligible to make a motion to adjourn the debate for the remaining amount of his time to speak.

It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Stratton, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: On division? It is carried on division.

Motion agreed to, on division.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Robert W. Peterson, for Hon. Joyce Fairbairn, pursuant to notice of May 31, 2006, moved:

> That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:00 p.m., Tuesday, June 6, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, we have brought forward this motion because at that time we will be hearing the Minister of International Trade, who is on a very tight time schedule.

Hon. Terry Stratton: This is now the second week in a row that we are doing this. I agree in this circumstance because of the presence of the minister at your next meeting. Will there be a third occurrence next week? You cannot answer that question.

Senator Peterson: I cannot. I do not have any more pieces of paper.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON INCLUDING IN LEGISLATION NON-DEROGATION CLAUSES RELATING TO ABORIGINAL TREATY RIGHTS

Hon. Donald H. Oliver, pursuant to notice of May 31, 2006, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine and report on the implications of including, in legislation, non-derogation clauses relating to existing Aboriginal and treaty rights of the Aboriginal peoples of Canada under s.35 of the *Constitution Act, 1982*;
>
> That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament and the First Session of the Thirty-eighth Parliament be referred to the committee; and
>
> That the committee present its report to the Senate no later than June 30, 2007.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I gather from reading the text of this motion that this is a revival of a previous order of reference, and I would like to have the chair of the committee confirm that that is the case. If it is the case, I would ask if there have been any changes in the order of reference between the last Parliament and the present one.

Senator Oliver: Honourable senators, the motion being moved today concerns the issue of including non-derogation clauses in federal legislation. These clauses refer to the preservation of Aboriginal and treaty rights, and over time various formulations have been used. It is fair to say that the result has been a degree of legal uncertainty.

On November 5, 2003, a representative from the Department of Justice, Clare Beckton, the Assistant Deputy Attorney General of Canada, appeared before the Standing Senate Committee on Legal and Constitutional Affairs pursuant to an order of reference which is identical to the one that I am presenting today — identical in every word. She outlined the views of the department on the issue. Ms. Beckton is the only witness that the committee has heard on this reference, although this is now the third Parliament that it has been before.

The representative stressed the importance of policy choices in the area. Once those choices are made, appropriate legal mechanisms can be developed for legislation.

The most fundamental issue is to determine the appropriate relationship between federal legislation and Aboriginal and treaty rights. Legislators have had to be alert to the potential for legislation to have unforeseen consequences on rights contained in section 35 of the Constitution, as there is no process for Parliament to assess the effect of legislation in this respect.

At the same time, in framework legislation in which the detailed operation is left to regulation, if no infringement of section 35 rights is possible, even if testified it could be difficult to balance competing public policy objectives.

Our witness noted that opinions differ as to the purpose of non-derogation clauses. While some view them as declaratory, a remainder that is legislation is subject to the application of section 35 of the Constitution. This view may not be accepted under principles of statutory interpretation, and clarifying overall policy objectives will determine whether or not non-derogation clauses are needed and the wording of any clause.

• (1640)

The department noted for the committee that there is a broad range of possible approaches relating to non-derogation clauses, depending on the policy choices. At one end of the spectrum, existing clauses could be repealed in the light of uncertainty surrounding them. At the other end of the spectrum, if it is determined that section 35 rights need additional protection, a broadly worded clause could be added to the Interpretation Act that would be applicable to all federal legislation.

There are also non-legislative approaches that could be addressed on some of these concerns. Waiting to address these concerns until the bill is tabled in Parliament is one method, but your committee seeks this reference in order to explore this important issue as a general matter applicable to legislation generally.

Hon. Anne C. Cools: I notice that the second paragraph of the motion asks that the Senate refer to the committee papers and evidence received and taken on the subject, and the work accomplished during the second session of the Thirty-seventh Parliament and the first session of the Thirty-eighth Parliament.

There is a practice in this place that the Senate never receives committee papers and evidence. I do not know in this instance if a report on all of these matters was ever placed before the Senate. The proper practice should be that the Senate asks the committee to do certain things, and the committee reports, even if only with an interim report. Based on that report, the evidence is thereby transported to the Senate, and in future months or years it can be referred back to.

I will not try to follow that. However, it may sink into some heads if I make the point a couple of times that it is very important, when a session of Parliament is coming to a close, even if a report is not in final form, that an interim report could be submitted. This lets the Senate know that some work was done and preserves the opportunity and capacity in parliamentary law for these items to be referred to at future times.

I am not questioning the honourable senator on this matter. I am saying to him that this has happened many times. In other words, the lesson to be learned is that as a chair of a committee, always to submit reports to the Senate because it safeguards the fact that this information is in the cognizance of the Senate. The Senate cannot refer to what it does not have cognizance of.

I point this out because it is happening a great deal. In this place, for whatever reasons, there are many bad habits and bad things happening that people believe are appropriate and correct. It is easier in life, I have always found, to do things properly.

Hon. Sharon Carstairs: I want to lend my strong support to the study being undertaken by the Standing Senate Committee on Legal and Constitutional Affairs.

For many decades now, we have been incorporating non-derogation clauses in legislation. It would be one thing if those clauses all said the same thing. Indeed, they often say different things. The problem then becomes, after a while, do they have the force and meaning they were intended to have in the first instance?

This is a long overdue study. I congratulate Senator Oliver and his committee for engaging in it.

Hon. Tommy Banks: I second what Senator Carstairs has just said. I commend to the committee's attention evidence that has been taken before other committees which talks about the difference between the present form of the non-derogation clause and the previous form of the non-derogation clause.

The fact is that I have heard evidence from the Department of Justice that has led me to believe that the present clause was changed into its present form as a result of a Supreme Court decision. That decision stated that rights are all subject sometimes to question, and that no rights are outside of being questioned in some circumstances.

There are views among some Aboriginal peoples that the present non-derogation clause operates to the detriment of their interests.

The committee should also look at previous undertakings made by previous ministers with respect to examining this question, and with respect to an undertaking, in fact at one point, to introduce a bill to remove the derogation clause from all existing legislation, as well as the other end of the stick, as Senator Oliver has said, to put an overarching provision into another act to make it apply to all federal law.

It is a very cogent question that needs to be addressed in a way and a depth in which it has not been before.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 6, 2006, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 6, 2006 at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Daniel Hays

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(June 1, 2006)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Monte Solberg	Minister of Citizenship and Immigration
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue and Minister of Western Economic Diversification
The Hon. Vic Toews	Minister of Justice and Attorney General of Canada
The Hon. Rona Ambrose	Minister of the Environment
The Hon. Michael D. Chong	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport
The Hon. Diane Finley	Minister of Human Resources and Social Development
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	President of the Treasury Board
The Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services

SENATORS OF CANADA

ACCORDING TO SENIORITY

(June 1, 2006)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujjuaq, Que.
Daniel Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinegan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon	Whitehorse, Yukon
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston–Frontenac–Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(June 1, 2006)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon	Whitehorse, Yukon	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	Conservative
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., *Speaker*	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kirby, Michael	South Shore	Halifax, N.S.	Liberal
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinegan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujjuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(June 1, 2006)

ONTARIO—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4	Jerahmiel S. Grafstein	Metro Toronto	Toronto
5	Anne C. Cools	Toronto Centre-York	Toronto
6	Colin Kenny	Rideau	Ottawa
7	Norman K. Atkins	Markham	Toronto
8	Consiglio Di Nino	Ontario	Downsview
9	John Trevor Eyton	Ontario	Caledon
10	Wilbert Joseph Keon	Ottawa	Ottawa
11	Michael Arthur Meighen	St. Marys	Toronto
12	Marjory LeBreton	Ontario	Manotick
13	Lorna Milne	Peel County	Brampton
14	Marie-P. Poulin	Northern Ontario	Ottawa
15	Francis William Mahovlich	Toronto	Toronto
16	Vivienne Poy	Toronto	Toronto
17	David P. Smith, P.C.	Cobourg	Toronto
18	Mac Harb	Ontario	Ottawa
19	Jim Munson	Ottawa/Rideau Canal	Ottawa
20	Art Eggleton, P.C.	Ontario	Toronto
21	Nancy Ruth	Cluny	Toronto
22	Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Charlie Watt	Inkerman	Kuujjuaq
2	Pierre De Bané, P.C.	De la Vallière	Montreal
3	Jean-Claude Rivest	Stadacona	Quebec
4	Marcel Prud'homme, P.C	La Salle	Montreal
5	W. David Angus	Alma	Montreal
6	Pierre Claude Nolin	De Salaberry	Quebec
7	Lise Bacon	De la Durantaye	Laval
8	Céline Hervieux-Payette, P.C.	Bedford	Montreal
9	Lucie Pépin	Shawinegan	Montreal
10	Serge Joyal, P.C.	Kennebec	Montreal
11	Joan Thorne Fraser	De Lorimier	Montreal
12	Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13	Jean Lapointe	Saurel	Magog
14	Michel Biron	Milles Isles	Nicolet
15	Raymond Lavigne	Montarville	Verdun
16	Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17	Madeleine Plamondon	The Laurentides	Shawinigan
18	Roméo Antonius Dallaire	Gulf	Sainte-Foy
19	Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
20	Dennis Dawson	Lauzon	Ste-Foy
21	Yoine Goldstein	Rigaud	Montreal
22	Francis Fox, P.C.	Victoria	Montreal
23	Michael Fortier, P.C.	Rougemont	Town of Mount Royal
24			

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Michael Kirby	South Shore	Halifax
2	Gerald J. Comeau	Nova Scotia	Saulnierville
3	Donald H. Oliver	Nova Scotia	Halifax
4	J. Michael Forrestall	Dartmouth and the Eastern Shore	Dartmouth
5	Wilfred P. Moore	Stanhope St./Bluenose	Chester
6	Jane Cordy	Nova Scotia	Dartmouth
7	Gerard A. Phalen	Nova Scotia	Glace Bay
8	Terry M. Mercer	Northend Halifax	Caribou River
9	James S. Cowan	Nova Scotia	Halifax
10			

NEW BRUNSWICK—10

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Eymard Georges Corbin	Grand-Sault	Grand-Sault
2	Noël A. Kinsella, *Speaker*	Fredericton-York-Sunbury	Fredericton
3	John G. Bryden	New Brunswick	Bayfield
4	Rose-Marie Losier-Cool	Tracadie	Bathurst
5	Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6	Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7	Pierrette Ringuette	New Brunswick	Edmundston
8	Marilyn Trenholme Counsell	New Brunswick	Sackville
9	Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10			

PRINCE EDWARD ISLAND—4

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2	Elizabeth M. Hubley	Prince Edward Island	Kensington
3	Percy Downe	Charlottetown	Charlottetown
4			

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Mira Spivak	Manitoba	Winnipeg
2	Janis G. Johnson	Winnipeg-Interlake	Gimli
3	Terrance R. Stratton	Red River	St. Norbert
4	Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5	Maria Chaput	Manitoba	Sainte-Anne
6	Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Jack Austin, P.C.	Vancouver South	Vancouver
2	Pat Carney, P.C.	British Columbia	Vancouver
3	Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4	Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5	Mobina S.B. Jaffer	British Columbia	North Vancouver
6	Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	A. Raynell Andreychuk	Saskatchewan	Regina
2	Leonard J. Gustafson	Saskatchewan	Macoun
3	David Tkachuk	Saskatchewan	Saskatoon
4	Pana Merchant	Saskatchewan	Regina
5	Robert W. Peterson	Saskatchewan	Regina
6	Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Daniel Hays	Calgary	Calgary
2	Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3	Tommy Banks	Alberta	Edmonton
4	Claudette Tardif	Alberta	Edmonton
5	Grant Mitchell	Alberta	Edmonton
6	Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2	William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3	Joan Cook	Newfoundland and Labrador	St. John's
4	George Furey	Newfoundland and Labrador	St. John's
5	George S. Baker, P.C.	Newfoundland and Labrador	Gander
6			

NORTHWEST TERRITORIES—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Willie Adams	Nunavut	Rankin Inlet

YUKON—1

	Senator	Designation	Post Office Address
	THE HONOURABLE		
1	Ione Christensen	Yukon	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of June 1, 2006)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain **Deputy Chair: Honourable Senator Sibbeston**

Honourable Senators:

Campbell,
Dyck,
Hays,
(or Fraser)
Gill,
Gustafson,
Hubley,
* LeBreton,
(or Comeau)
Lovelace Nicholas,
Peterson,
Segal,
Sibbeston,
St. Germain,
Watt.

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton, (or Comeau), Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn **Deputy Chair: Honourable Senator Gustafson**

Honourable Senators:

Callbeck,
Christensen,
Fairbairn,
Hays,
(or Fraser)
Gustafson
* LeBreton,
(or Comeau)
Mahovlich
Mercer,
Mitchell,
Oliver,
Pépin,
Peterson,
Segal,
Tkachuk.

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton, (or Comeau), Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein **Deputy Chair: Honourable Senator Angus**

Honourable Senators:

Angus,
Biron,
Eyton,
Fitzpatrick,
* Hays,
(or Fraser)
Goldstein,
Grafstein,
Harb,
Hervieux-Payette,
* LeBreton,
(or Comeau)
Massicotte,
Moore,
Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton, (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks **Deputy Chair: Honourable Senator Cochrane**

Honourable Senators:

Angus,
Banks,
Carney,
Cochrane,
Fox,
* Hays,
(or Fraser)
Hervieux-Payette,
Kenny,
Lavigne,
* LeBreton,
(or Comeau)
Milne,
Sibbeston,
Spivak,
Tardif.

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne, *LeBreton, (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.*

FISHERIES AND OCEANS

Chair: Honourable: Senator Rompkey **Deputy Chair: Honourable Senator Johnson**

Honourable Senators:

Adams,
Baker,
Campbell,
Comeau,
Cowan,
Forrestall,
* Hays,
(or Fraser)
* Gill,
Hubley,
Johnson,
* LeBreton,
(or Comeau)
Meighen,
Rompkey,
Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson, *LeBreton, (or Comeau), Meighen, Rompkey, Watt.*

FOREIGN AFFAIRS

Chair: Honourable Senator Segal **Deputy Chair: Honourable Senator Stollery**

Honourable Senators:

Andreychuk,
Banks,
Corbin,
Dawson,
De Bané,
Di Nino,
Downe,
* Hays,
(or Fraser)
* LeBreton,
(or Comeau)
Merchant,
Segal,
St. Germain,
Smith,
Stollery.

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser), *LeBreton, (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.*

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk **Deputy Chair: Honourable Senator Carstairs**

Honourable Senators:

Andreychuk,
Carstairs,
Dallaire,
* Hays,
(or Fraser)
Kinsella,
* LeBreton,
(or Comeau)
Lovelace Nicholas,
Munson,
Nancy Ruth,
Pépin,
Poy.

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella, *LeBreton, (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.*

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey **Deputy Chair: Honourable Senator Nolin**

Honourable Senators:

Chaput,
Comeau,
Cook,
Day,
Di Nino,
Furey,
* Hays,
(or Fraser)
Goldstein,
Jaffer,
Kenny,
* LeBreton,
(or Comeau)
Massicotte,
Poulin,
Prud'homme,
Smith,
Stratton.

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays, P.C (or Fraser), Jaffer, Kenny, Keon, *LeBreton, (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.*

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver **Deputy Chair: Honourable Senator Milne**

Honourable Senators:

Andreychuk,
Baker,
Bryden,
Cools,
* Hays,
(or Fraser)
Jaffer,
Joyal,
* LeBreton,
(or Comeau)
Milne,
Nolin,
Oliver,
Ringuette,
Rivest.
Zimmer.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal, *LeBreton, (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator

Honourable Senators:

Johnson, Oliver, Poy, Trenholme Counsell.
Lapointe,

Original Members agreed to by Motion of the Senate
Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day **Deputy Chair: Honourable Senator Cools**

Honourable Senators:

Biron,	Eggleton,	* LeBreton,	Nancy Ruth,
Cools,	Fox,	(or Comeau)	Ringuette,
Cowan,	* Hays,	Mitchell,	Rompkey.
Day,	(or Fraser)	Murray,	

Original Members as nominated by the Committee of Selection
*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser), *LeBreton, (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny **Deputy Chair: Honourable Senator Forrestall**

Honourable Senators:

Atkins,	Day,	Kenny,	Meighen,
Banks,	Forrestall,	* LeBreton,	Moore,
Campbell,	* Hays,	(or Comeau)	Poulin.
	(or Fraser)		

Original Members as nominated by the Committee of Selection
*Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny, *LeBreton, (or Comeau), Meighen, Poulin, Watt.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen **Deputy Chair: Honourable Senator Day**

Honourable Senators:

Atkins,
Day,
Forrestall,
* Hays,
(or Fraser)
Kenny,
* LeBreton,
(or Comeau)
Meighen.

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput **Deputy Chair: Honourable Senator Champagne**

Honourable Senators:

Champagne,
Chaput,
Comeau,
* Hays,
(or Fraser)
Jaffer,
* LeBreton,
(or Comeau)
Losier-Cool,
Plamondon,
Robichaud,
Tardif,
Trenholme Counsell.

Original Members as nominated by the Committee of Selection

*Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton, (or Comeau), Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino **Deputy Chair: Honourable Senator Smith**

Honourable Senators:

Andreychuk,
Bryden,
Cools,
Corbin,
Cordy,
Di Nino,
* Hays,
(or Fraser)
Joyal,
* LeBreton,
(or Comeau)
Losier-Cool,
McCoy,
Mitchell,
Robichaud,
Smith,
Stratton,
Tardif.

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal, *LeBreton, (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud, Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Eyton **Vice-Chair:**

Honourable Senators:

Biron, De Bané, Harb, Nolin,
Bryden, Eyton, Moore, St. Germain.

Original Members as agreed to by Motion of the Senate
Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton **Deputy Chair: Honourable Senator Cook**

Honourable Senators:

Austin, Cook, * LeBreton, Stratton,
Bacon, Fairbairn, (or Comeau) Tkachuk.
Carstairs, * Hays, Oliver,
Champagne, (or Fraser)

Original Members agreed to by Motion of the Senate
Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
**Hays (or Fraser), *LeBreton, (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby **Deputy Chair: Honourable Senator Keon**

Honourable Senators:

Callbeck, Cordy, * Hays, * LeBreton,
Champagne, Eggleton, (or Fraser) (or Comeau)
Cochrane, Fairbairn, Keon, Pépin,
Cook, Forrestall, Kirby, Trenholme Counsell.

Original Members as nominated by the Committee of Selection
Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall,
**Hays (or Fraser), Keon, Kirby, *LeBreton, (or Comeau), Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon **Deputy Chair: Honourable Senator Tkachuk**

Honourable Senators:

Adams,	Eyton,	* LeBreton,	Munson,
Bacon,	* Hays,	(or Comeau)	Phalen,
Carney,	(or Fraser)	Mercer,	Tkachuk,
Dawson,	Johnson,	Merchant,	Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson, *LeBreton, (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.*

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Smith **Deputy Chair: Honourable Senator Nolin**

Honourable Senators:

Andreychuk,	* Hays,	Joyal,	Nolin,
Day,	(or Fraser)	Kinsella,	Smith.
Fairbairn,	Jaffer,	* LeBreton,	
Fraser,		(or Comeau)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal, Kinsella, *LeBreton, (or Comeau), Nolin, Smith,*

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(1st Session, 39th Parliament)

Thursday, June 1, 2006

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25							
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs					
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology					
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

CONTENTS

Thursday, June 1, 2006

PAGE

Business of the Senate
The Hon. the Speaker 406

SENATORS' STATEMENTS

Apology
Hon. Gerald J. Comeau 406
Hon. Pierrette Ringuette 406

Importance of Competition and Economic Growth
Hon. Wilbert J. Keon 406

Peacekeeping Day
Hon. Elizabeth Hubley 406

Northern View of the Long-gun Registry
Hon. Nick G. Sibbeston 407

Response to Climate Change in the Arctic
Hon. Bill Rompkey 407

Legal and Constitutional Affairs
Bill S-202—List of Unproclaimed Bills Tabled with Committee.
Hon. Tommy Banks 407

Visitors in the Gallery
The Hon. the Speaker 408

ROUTINE PROCEEDINGS

Assemblée parlementaire de la Francophonie
Vietnam-Laos-Cambodia Regional Seminar on Budgetary Control, December 19-21, 2005—Report Tabled.
Hon. Joseph A. Day 408

QUESTION PERIOD

Finance
Equalization Formula—Comments by Prime Minister.
Hon. Daniel Hays 408
Hon. Marjory LeBreton 408

Human Resources and Social Development
Proposed National Child Care Program—Comments by Leader of the Government.
Hon. Art Eggleton 409
Hon. Marjory LeBreton 409

National Defence
Arctic Sovereignty—Possible Acquisition of Icebreakers.
Hon. Bill Rompkey 410
Hon. Marjory LeBreton 410

International Trade
Softwood Lumber Agreement—Consultation with Industry.
Hon. Pierrette Ringuette 411
Hon. Marjory LeBreton 411
Softwood Lumber Agreement—Request for Tabling.
Hon. Pierrette Ringuette 411
Hon. Marjory LeBreton 411

PAGE

Canada-United States Relations
Border Security—Passport Requirements.
Hon. James S. Cowan 411
Hon. Marjory LeBreton 411

The Environment
Kyoto Protocol—Greenhouse Gas Emissions Trading.
Hon. Tommy Banks 412
Hon. Marjory LeBreton 412

Delayed Answer to Oral Question
Hon. Gerald J. Comeau 413

The Environment
Climate Change—Effect on the Economy—Negotiations with United States
Question by Senator Plamondon.
Hon. Gerald J. Comeau (Delayed Answer) 413

Pages Exchange Program with House of Commons
The Hon. the Speaker 414

Visitor in the Gallery
The Hon. the Speaker 414

ORDERS OF THE DAY

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Marjory LeBreton 414
Hon. Daniel Hays 416
Hon. Anne C. Cools 417
Hon. Joan Fraser 418
Hon. Sharon Carstairs 419
Hon. Percy Downe 420
Hon. Serge Joyal 420
Hon. Jerahmiel S. Grafstein 421
Hon. Tommy Banks 422
Hon. Elaine McCoy 422

Criminal Code (Bill S-206)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Jerahmiel S. Grafstein 422

National Blood Donor Week Bill (Bill S-214)
Second Reading—Debate Adjourned.
Hon. Terry M. Mercer 425
Hon. Gerald J. Comeau 425
Hon. Ethel Cochrane 425
Hon. Sharon Carstairs 426

Banking, Trade and Commerce
Motion to Authorize Committee to Study Softwood Lumber Agreement—Debate Continued.
Hon. David Tkachuk 426
Hon. Lorna Milne 426
Motion in Amendment.
Hon. Lorna Milne 427
Hon. David Tkachuk 427
Hon. Sharon Carstairs 427
Hon. Joan Fraser 428
Hon. Pierrette Ringuette 428

Agriculture and Forestry
Committee Authorized to Meet During Sitting of the Senate.
Hon. Robert W. Peterson 429
Hon. Terry Stratton 429

PAGE

Legal and Constitutional Affairs

Committee Authorized to Continue Study on Including in Legislation Non-derogation Clauses Relating to Aboriginal Treaty Rights.

Hon. Donald H. Oliver 429
Hon. Joan Fraser 429
Hon. Anne C. Cools 429

PAGE

Hon. Sharon Carstairs 430
Hon. Tommy Banks 430

Adjournment
Hon. Gerald J. Comeau 430

Appendix 430

Progress of Legislation i

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 20

OFFICIAL REPORT
(HANSARD)

Tuesday, June 6, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

LIBRARY

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, June 6, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to senators' statements, may I draw your attention to the presence in the gallery of our former colleague, Senator Erminie Cohen.

SENATORS' STATEMENTS

IMPERIAL ORDER DAUGHTERS OF THE EMPIRE CONFERENCE CANADIAN HARD OF HEARING CONFERENCE

Hon. Catherine S. Callbeck: Honourable senators, this past weekend I had the privilege of being involved in two national conferences held in my home province of Prince Edward Island.

In Summerside, I was honoured to address the national conference and annual meeting delegates of the Imperial Order Daughters of the Empire, also known as the IODE. The theme of their conference was "Catch the New Wave," and the members learned through workshops, seminars and speakers new ways to continue their 106-year tradition of helping children, youth and those in need. This organization has accomplished many extraordinary things since it began.

The Canadian Hard of Hearing Association held its annual conference and trade show in Charlottetown. Delegates saw the latest in technology for people with hearing problems and listened to Sue Thomas, the inspiration for the television series, *Sue Thomas, F.B.Eye*.

In addition, our former colleague Senator Gauthier was honoured in absentia for his work on behalf of Canadians who are hard of hearing. We all know that this is a well-deserved honour and know the tremendous work he has done and continues to do.

• (1410)

The fact is that one in ten Canadians has some form of hearing loss. This number is expected to rise to 17 per cent over the next seven years. Hearing loss is the largest disability in the country.

These are just two of the many national conferences that are taking place in my home province this year. Prince Edward Island has become a very popular location for national organizations to hold their annual meetings and conventions, with excellent facilities, challenging golf courses — some of which are internationally recognized — beautiful scenery and, of course, our famous Island hospitality.

Each conference last weekend was a great success. I wish to take the opportunity to commend the volunteers of these two organizations. They are truly committed, and they dedicate a great deal of time, effort and energy to helping others. They can all be justifiably proud of everything they have accomplished.

D-DAY AND CANADIAN FORCES DAY

Hon. Michael A. Meighen: Honourable senators, it is 62 years ago to the day that the 3rd Canadian Infantry Division and the 2nd Armoured Brigade took part in Operation Overlord, the invasion of mainland Europe. Their goal on D-Day was to establish a bridgehead on a beach codenamed "Juno" — a beach where a Canadian museum now stands in recognition of our nation's accomplishment and sacrifice.

[*Translation*]

Juno Beach was an eight-kilometre-long, heavily guarded open expanse. Canadian soldiers fell in great numbers under enemy fire, but they persevered and reached their goal. That was D-Day, when Canadian troops succeeded in gaining more ground than all of the other allied forces.

On that one day, 340 Canadians were injured and 574 killed. Most of the dead now lie in two beautiful Canadian cemeteries nestled in the picturesque Normandy countryside.

It was neither the first nor the last time that Canadian men and women fought bravely in a war to protect our freedoms and our way of life.

[*English*]

Although we pause to commemorate D-Day annually on June 6, we must never forget the sacrifices and accomplishments of our Armed Forces subsequent to this day. Besides playing a leading role in bringing the Second World War to an end, Canadians have fought side by side with our allies for decades in campaigns such as the Korean War, the first Gulf War, NATO operations and UN peacekeeping operations around the world, defending those values we hold dear. Currently, our men and women are engaged in a similar effort in Afghanistan.

Two days ago, another event took place to honour the men and women of our Armed Forces. June 4 marked the fifth annual Canadian Forces Day. According to the Chief of Defence Staff, General Rick Hillier:

> Canadian Forces Day gives the public a chance to show their support for the work of our soldiers, sailors, airmen and airwomen who wear the maple leaf on their shoulder defending Canada and promoting Canadian values around the world.

As Canadians, we from time to time take for granted our current way of life — our freedoms and our rights to participate in cultural and political events, and our rights to live under a government of our choice. We owe the preservation of these freedoms to the men and women who wear our uniform — those who wore it in the past and those who wear it today.

[*Translation*]

I invite all senators to join me in recognizing all of those who served our country in the past, as well as the men and women who so proudly wear the maple leaf today.

[*English*]

The present-day accomplishments of our Armed Forces, both regular and reserve, build on a proud tradition. Today, men and women of the Armed Forces continue to make us proud and are a fitting tribute to the legacies and sacrifices of the Canadians in uniform before them.

DIABETES DAY ON THE HILL

Hon. Marilyn Trenholme Counsell: Honourable senators, June 5, 2006, was the first ever Diabetes Day on the Hill. Volunteers living with diabetes, in communities across Canada, came to Ottawa to raise our awareness of the seriousness of diabetes.

Diabetes is a disease which directly causes over 5,000 deaths per year and contributes to about 25,000. In economic terms, diabetes costs Canadians more than $9 billion annually, including both direct costs and those stemming from premature death and lost productivity.

• (1415)

Over 2 million Canadians have diabetes today and more than 3 million will be diagnosed by 2010. The incidence in diabetes among children under age 15 has tripled since 1971. Type 2 diabetes, which was once considered something one developed after the age of 45, is increasingly being diagnosed in those under 20. Data from the United States suggests a 10- to 30-fold increase in the number of children with type 2 diabetes over the past 10 years. It is an epidemic among Aboriginal peoples in Canada, with the national age-adjusted prevalence three to five times higher than that of the general population. Type 2 diabetes is beginning to emerge in Aboriginal children as young as five years of age.

Honourable senators, it is no surprise that one in three children born in 2000 will develop diabetes at some point during their lifetime. Two risk factors for developing type 2 diabetes are being overweight and being physically inactive. In 2004, 26 per cent of Canadian children and adolescents aged 2 to 17 were overweight or obese, and 8 per cent were obese. In adolescents aged 12 to 17, the overweight-obesity rate of this age group more than doubled and the obesity rate tripled. For children aged 6 to 11 years and adolescents aged 12 to 17 years, the likelihood of being overweight or obese tends to rise as time spent watching TV, playing video games and using the computer increases. Each week 25 per cent of Canadian kids spend more time watching TV or playing video games than they spend in school. Research shows that 50 per cent of Canadian children are simply not active enough.

Honourable senators, to prevent type 2 diabetes, the most important thing we can do for our children is to teach them that it is fun to live healthy and active lives.

[*Translation*]

Honourable senators, each one of us can do something to help Canadian children and youth stay healthy, eat well and become more active.

Diabetes is a lifelong illness. Our children and youth must have a good foundation for lifelong health. We must focus our actions on preventing diabetes because this is a priority for Canada and the rest of the world.

[*English*]

CHINA

SEVENTEENTH ANNIVERSARY OF TIANANMEN SQUARE MASSACRE

Hon. Consiglio Di Nino: Honourable senators, the words "Tiananmen Square" for me conjure up images of treachery, barbarism, cowardice, murder and denial of the most basic human rights. The Chinese leaders who gave the military orders on that fateful dark night of June 4, 1989 are guilty of all these things. They ordered the butchering of hundreds if not thousands of men and women. These young demonstrators were all Chinese citizens, the future of their country. The evil men who committed these atrocities did so because these young people were demonstrating for things that we take for granted every day, such as basic rights and freedoms. The brutal crackdown of the Chinese leaders reverberated throughout the world and sent a cold chill across all lands. That was 17 long years ago and yet, brave and courageous Chinese citizens still demonstrate today against these tyrants, and are arrested and jailed by the Chinese police. It is these valiant people I wish to salute today. They keep the flame of hope alive and they honour the memory of those whose lives were so brutally stomped out on June 4, 1989.

I urge all honourable senators, all Canadians and, indeed, the whole world to demonstrate solidarity with these Chinese people who tirelessly toil eventually to slay the dragon and bring democracy to China.

WALK THE WORLD FOR SCHIZOPHRENIA

Hon. Lillian Eva Dyck: Honourable senators, on May 29 in Ottawa there was a Walk the World for Schizophrenia. This event is a major fundraiser that assists the Schizophrenia Society of Canada in its important work. In Saskatoon, the Walk the World for Schizophrenia normally occurs in the fall, and this year it will be held on September 24. I have participated in this walk along the banks of the South Saskatchewan River many times in support of the Schizophrenia Society of Saskatchewan.

This disease is one of the most serious mental health disorders. Its incidence is about one in one hundred persons or about 300,000 Canadians. The main symptoms of schizophrenia are delusions and hallucinations, thought disorder, lack of motivation and social withdrawal. The onset of the disease is usually in early childhood, which often disrupts the individual's education.

• (1420)

Adult schizophrenics often find it difficult to maintain employment for a sustained period of time. Furthermore, the chronic nature of the disease contributes to ongoing social problems. As a result, individuals with schizophrenia are greatly overrepresented in prison and in homeless populations.

Antipsychotic drugs are the main vehicle used to treat schizophrenia. The atypical antipsychotics have fewer side effects than the older typical antipsychotics, but unfortunately, significant weight gain is often associated with some of the newer drugs. Antipsychotic drugs effectively treat the positive symptoms of schizophrenia, such as hallucinations and psychosis, but improvements in the negative symptoms, such as social withdrawal and decreased motivation, are more difficult to achieve. Thus, antipsychotic drug treatment is usually combined with other elements, such as educational support, primary care services, hospital-based services and community support, for example, proper housing and employment.

According to the Schizophrenia Society of Saskatchewan, there is a critical shortage of professional caregivers, doctors, psychiatrists and nurses that needs to be dealt with in the near future. In addition, there is a need for safe and decent housing for individuals being released from the hospital; there is an immense need for community support for the individuals suffering from schizophrenia; and most importantly, there is a great need to change the public attitude toward individuals suffering from schizophrenia.

As honourable senators will know, the Standing Senate Committee on Social Affairs, Science and Technology released its report, *Out of the Shadows at Last*, on May 9. The Schizophrenia Society of Canada and the provincial schizophrenia societies strongly support the recommendations contained in the report and they are encouraging the government to move forward on its implementation.

Honourable senators, there is an urgent need for the federal government to move quickly to establish and fund the Canadian Mental Health Commission.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of His Excellency Foued Mebazaâ, President of the Chamber of Deputies of the Republic of Tunisia. Also with him are His Excellency the Ambassador of Tunisia and a delegation of deputies of the Republic of Tunisia.

On behalf of all of the senators, I welcome you to the Senate of Canada.

ROUTINE PROCEEDINGS

RENEWAL OF PROPERTY QUALIFICATION

LIST OF SENATORS TABLED

The Hon. the Speaker: Honourable senators, pursuant to rule 135, I have the honour to table the list of senators who have filed a renewed Declaration of Property Qualification.

[*English*]

STUDY ON CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on Banking, Trade and Commerce, entitled, *Consumer Protection in the Financial Services Sector, the Unfinished Agenda.*

I move that the report be placed on the Orders the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1425)

AGRICULTURAL MARKETING PROGRAMS ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons with a Bill C-15, to amend the Agricultural Marketing Programs Act, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[*Translation*]

BUDGET IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

[*English*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave, I propose that this bill be read the second time tomorrow.

[*Translation*]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: No.

Senator Comeau: I move that this bill be read a second time at the next sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[*English*]

Hon. Joseph A. Day: Honourable senators, normally when we are asked to abridge time, we are told why.

The Hon. the Speaker: Senator Comeau, do you wish to explain?

[*Translation*]

Senator Comeau: Honourable senators, I discussed the matter with the Deputy Leader of the Opposition, and we agreed to proceed with second reading tomorrow, given the time of year and the resulting workload for the committees.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Comeau, notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[*English*]

QUESTION PERIOD

FINANCE

EQUALIZATION FORMULA—EXCLUSION OF NON-RENEWABLE RESOURCE REVENUES

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I return to last week, when I asked the Leader of the Government in the Senate a series of questions on the fiscal balance and how a Conservative campaign promise to exclude non-renewable resources revenue from the equalization formula had been transformed into a mere preference.

• (1430)

In response, the government leader said there were many views on the issue and asked us to wait for the report of the expert panel. The expert panel made its report yesterday. According to Al O'Brien, who chaired the panel, the report does not take into account the accords reached by Prime Minister Martin with the provinces of Newfoundland and Labrador and Nova Scotia.

Can the Leader of the Government in the Senate assure honourable senators and the citizens of those provinces that the government will honour those accords?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for that question.

The Prime Minister and the government do not intend to alter the offshore agreements that were reached in 2005 with Nova Scotia and Newfoundland and Labrador.

Senator Hays: Honourable senators, the expert panel proposes that one half of natural resource revenue be included for purposes of the equalization formula. Will the Leader of the Government in the Senate tell us whether her party's election promise to exclude those revenues will still be honoured?

Senator LeBreton: As the honourable senator knows, this report, better known as the O'Brien report, was commissioned by the then Minister of Finance in March 2005. We just received the report yesterday, and in view of all the headlines about the other issues that were happening, many of us have not had a chance to read it until today. This report has now been received. The Minister of Finance is looking carefully at the recommendations of this report, along with many others that he has received. It is only prudent to wait until the Minister of Finance and the government have had a proper opportunity to respond to this and other reports before we deal with the question of equalization and fiscal balance.

Senator Hays: I thank the minister for those answers. However, it now becomes a question of what is the work plan. What is the plan in terms of the decision-making process that will lead to our hearing from the government on what it proposes to do on the questions that are now in play? Will this be addressed soon or at a later time?

This is a subject, as the minister knows, that has concerned a number of premiers. We would probably all agree that it would be well to settle those anxieties as soon as possible. When are we likely to see steps being taken to do that?

Senator LeBreton: The government will carefully consider the recommendations of the expert panel, and it will also consider and review the Council of the Federation Report and the June 19 report of the Canadian Federation of Municipalities before consulting with the provinces, territories and other interested parties in order to come forward with a response and a proposal in the early fall.

[*Translation*]

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. When Quebec Premier Jean Charest gave the opening address on Monday at the Economic Forum of the Americas, organized by the Conference of Montreal under the ever-capable leadership of Gil Rémillard, he criticized the fact that some people — meaning the Harper government — are questioning the Kyoto Protocol.

Mr. Charest said that the Kyoto Protocol is our best weapon against global warming. He went on to say that we have a huge moral obligation to future generations, and that we intend to meet that obligation.

Given that Canadians in general and Quebecers in particular attach a great deal of importance to all environmental issues, can the honourable minister assure this chamber that her government will have the courage to examine its conscience and alter its position on the Kyoto Protocol, in keeping with what Canadians want?

• (1435)

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Fox for his question.

I do not believe that anyone questions the good intent of the Kyoto Protocol. The government and Minister Rona Ambrose have clearly stated that the commitments made in Kyoto cannot be achieved. When Minister Ambrose represented the Government of Canada at the conference in Bonn, she simply told the truth and stated the obvious. That was the case with most other industrialized nations. The Kyoto Protocol goals, however laudable, are not realistic. As we have stated, emissions in Canada have increased since signing on to Kyoto.

With regard to comments made by the Premier of Quebec, I do not believe there is any disagreement that most people support the overall intent of the Kyoto Protocol. The only difference is that the federal government is speaking openly and honestly with respect to informing Canadians of something they should already know, that there is no way the country can live up to the commitments set out in the Kyoto Protocol.

Minister Ambrose is working on several fronts and will shortly be presenting proposals with regard to the issue of greenhouse gas emissions and a made-in-Canada policy.

[*Translation*]

Senator Fox: Honourable senators, I would like to ask a supplementary question. At the same conference, the Deputy Prime Minister of Great Britain — also an industrial power — wanted to exceed the Kyoto objectives. He stated that his government was undertaking to exceed the targets. It took a certain amount of political courage to make that kind of commitment.

In addition, in Montreal this past weekend, at the annual meeting of the Federation of Canadian Municipalities, which has over 1,400 representatives of Canadian cities — large, small, and medium-sized — the members supported the position of the previous government. They stated that they could even surpass the Kyoto objectives. This is at odds with the response given by the honourable minister.

Furthermore, Quebec's premier, Mr. Charest, urged the Bloc Québécois to vote against the budget in the House, given the government's position on Kyoto.

In light of what I have just said, if the government is serious about promoting the interests of Quebec, could the minister tell us whether, given the strong expression of support by municipal officials and the international community, the government would be prepared to re-examine its position and to show the necessary political courage to admit that it was wrong and to allow the Minister of the Environment to address the federation in future without having to duck out at the last minute?

[*English*]

Senator LeBreton: No one questions the good intentions of the previous government in terms of the Kyoto Protocol and the desired outcome. The problem is that they were not able to live up to these commitments and the situation became worse.

We can respond in this place to interesting comments made by premiers. I took note of the particular comment the honourable senator attributes to Premier Charest.

• (1440)

I go back to what I have said many times: This government will approach this issue seriously and realistically. It will deal with a made-in-Canada approach, one I am sure which, when Minister Ambrose announces it, will be clear, realistic and effective. It will be a plan that will set us on the road to reaching our targets.

[*Translation*]

INTERGOVERNMENTAL AFFAIRS

MANITOBA—RECOGNITION OF AGREEMENTS WITH PREVIOUS GOVERNMENT

Hon. Maria Chaput: Honourable senators, I address my remarks to the Leader of the Government in the Senate. On Wednesday, May 31, I asked a supplementary question concerning the agreements in principle on early learning and child care.

I have with me the documents, which include a copy of the agreement in principle signed by the Government of Canada and the Government of Manitoba on April 29, 2005. I know full well that similar agreements were signed across Canada. I have an information sheet indicating the programs that will be cancelled or will not be developed in French Manitoba if the agreement is not renewed.

I would like to point out to the Leader of the Government in the Senate that the francophone community in Manitoba has its sights set on early childhood services in French in each of the communities where a French school is located, that is 19 of our communities in Manitoba.

The abolition of the bilateral agreement, the agreement on early learning and child care, will mean for French Manitoba no funding for new infrastructures and so the urban daycare centre in Saint-Vital will not be built; no new places will be created in five daycare centres or early childhood services in the rural areas, La Broquerie, Saint-Vital, St-Jean-Baptiste, Lorette and Sainte-Agathe; there will be no scholarships for people aiming for careers in early childhood development, although the scholarship was an incentive for people taking special courses, and these people signed an agreement that they would work two years for us before going elsewhere; and there will be no more funding for the new early childhood leadership course at the Collège Universitaire de Saint-Boniface.

Would the Leader of the Government in the Senate like me to table these documents? Does her government still intend not to renew the agreements despite the fact that this decision will have a negative impact on early childhood development in francophone minority communities.

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank the Honourable Senator Chaput for her question.

The honourable senator asked a similar question last week, at which time I asked specifically that her concerns with regard to the programs she mentioned be set down and that I be able to respond to them properly. I would be happy to have the documents to which the honourable senator refers.

In answer to whether we will undo what we said we would in terms of the agreements that the previous government signed, the answer to that of course is no. We will bring in our own child care policies.

However, I appreciate the specific issues that the honourable senator has raised. I would be happy to respond to each and every one of them. I have mentioned previously, however, that there were many issues concerning things that were to happen but they never happened. That is a different matter. As I have said, nothing from nothing is nothing.

If these are specific plans and programs that the honourable senator says are being affected directly, I would be happy to respond to each and every one of them.

FOREIGN AFFAIRS

HAITI—DEATH OF FORMER ROYAL CANADIAN MOUNTED POLICE OFFICER MARK BOURQUE

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate.

There have been disturbing news stories in the last few days over the death of Mark Bourque, a retired RCMP officer who was killed while serving with the United Nations mission in Haiti. The reports allege that his was a death that could have been prevented. In fact, as there are many troubling questions surrounding his death the UN has launched its own investigation.

Does the government support this investigation or will the government launch its own investigation?

• (1445)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Munson for his question. I saw both reports on Mark Bourque and found them very disturbing.

I am certain that the Minister of Foreign Affairs and the Minister of Public Safety are well aware of this matter. I will take that question as notice and will respond with a delayed answer.

Senator Munson: I thank the Leader of the Government for that answer and will look forward to the delayed answer.

The stories also suggest that the family has been kept out of the loop. The family has not heard from our government or the UN. I urge the honourable senator to consider that as well.

Senator LeBreton: As I said, those reports were very disturbing, especially when one realizes that the hospital was so close by and that there were other UN soldiers there. I will certainly make every effort to answer that question.

THE CABINET

NOTICE OF MEETINGS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate.

Like everyone in Quebec, I was fascinated to see news media reports yesterday and today that a cabinet meeting is planned at the Citadel in Quebec City on June 22 -23, leading up to the Fête nationale. You can understand why this is interesting to all of us from Quebec.

Can the Leader of the Government confirm that this meeting is planned? If so, could the honourable senator explain why we know about the time and place of cabinet meetings in Quebec City but not in Ottawa?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have read the same news reports. I have not received confirmation that there will be a cabinet meeting in Quebec City.

If we do go to Quebec City on the evening of June 22 and the day of June 23, it will be a wonderful opportunity for us to profile our new young cabinet and how many of the cabinet members are truly bilingual and able to communicate with the people of Quebec, unlike most of the Liberal leadership candidates.

[*Translation*]

Senator Fraser: Honourable senators, I would like to congratulate the Leader of the Government for her colleagues' bilingualism, youth and brilliance.

Who knows, the Senate may sit on Friday, June 23. Can she tell us whether she or the Minister of Public Works and Government Services will be in the Senate that day?

[*English*]

Senator LeBreton: Honourable senators, if the Senate is sitting, and if there is a cabinet meeting, perhaps with two weeks' notice I can be forgiven for being absent from Question Period.

Senator Fraser: That is why I thought it would be appropriate to put the question early.

[*Translation*]

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL DEFENSE—ARMAMENT SPECIALISTS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 6 on the Order Paper—by Senator Downe.

[*English*]

STATUTES REPEAL BILL

NOTICE OF MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO RECEIVE DOCUMENTS AND EVIDENCE ON STUDY OF BILL S-5 IN THE THIRTY-EIGHTH PARLIAMENT

Leave having been given to revert to Notices of Motions:

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate I will move:

> That the papers and evidence received and taken on Bill S-5, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, by the Standing Senate Committee on Legal and Constitutional Affairs during the First Session of the Thirty-eighth Parliament be referred to the Standing Senate Committee on Legal and Constitutional Affairs for its study on Bill S-202, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.

• (1450)

ORDERS OF THE DAY

NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Nolin seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Bill S-3, to amend the National Defence Act to bring our military justice system into accord with the civilian courts with respect to the registration of sex offenders.

Currently, there is no system during a court martial to require an individual convicted of a sexual offence to register their information as may be required by the civilian courts. Bill S-3 seeks to correct this difference, while taking into account the operational needs of our forces and the rights and obligations of our soldiers.

[*Translation*]

The bill will also make changes designed to enhance the current federal sex offender registry.

[*English*]

As Senator Nolin mentioned in his speech introducing this bill, Bill S-3 is substantially similar to a bill that was introduced by the previous government in the last session of Parliament.

Other honourable senators have noted that the previous bill, S-39, passed second reading and was the subject of six separate meetings in the Standing Senate Committee on Legal and Constitutional Affairs. Some of the concerns raised in these meetings have been addressed in the bill before us.

One thing that is of the utmost importance to many honourable senators is to ensure that we never bring disrepute on our Canadian Forces. As we all know, our forces are currently representing Canada abroad in Afghanistan and elsewhere, and some have even made the supreme sacrifice on our behalf.

[*Translation*]

I feel it is important that every time we mention our Canadian forces over there, we pay tribute to their efforts, heroism and bravery.

[*English*]

In my previous role as Canada's Special Envoy to Sudan, I had the opportunity to work with some of the hundred or so Canadian troops stationed in Darfur. I saw the bravery and commitment of our Canadian Forces first hand. They have left behind comfortable homes here in Canada and have been deployed to a harsh environment in an effort to help those who have nothing in this world.

The expertise and commitment to professionalism of our forces in the face of difficult and unpredictable circumstances was astounding. Our Canadian Forces represent us to the world, and Canadians are extremely well represented by those men and women. We should recognize them not only for their sacrifices, but also for the successes which all too often go unsung.

Even if we do not always agree with the policies that lead to a deployment of troops, there can be little doubt that our forces will always conduct themselves as shining examples of the values that have made our country so great.

It is therefore worth noting that the bill before us today deals with some exceptionally rare circumstances. While it is our duty to give these new measures careful consideration, weighing them on their individual merits, we must also recognize that they will likely not be used with great frequency.

According to the previous Minister of National Defence, only 17 individuals have been charged with offences that would be covered by the bill before us since the sex offender registry came into effect. The number of persons convicted by court martial each year of sexual offences is not large — about three per year, on average. It is important, nonetheless, that military courts be given the authority to order persons convicted of sexual offences to report and provide the required information to the Sex Offender Information Registry.

The idea of requiring sex offenders to register their information with authorities is not a new one in this chamber. Not only did we approve of the original Sex Offender Information Registration legislation in 2004, but also in principle during the last session of Parliament as Bill S-39. Honourable senators have accepted that the sex offender registry is a legitimate and useful tool to assist police in investigating certain crimes of a sexual nature.

Therefore, it is essential that we have a system to require those convicted to register the information, and to ensure that it is kept confidential and accessible only to those who use it for a legitimate purpose.

• (1455)

Senator Nolin has already told the chamber that this system was set up by the original Sex Offender Information Registry legislation, but that legislation did not apply to the military justice system. This has left Canada's military justice system behind. This has left Canada's military justice system out of step with Canada's civilian court system.

Bill S-3 seeks to bring the two systems into line while taking into account the operational requirements of our Forces. It amends the National Defence Act and makes some changes to the Criminal Code and the Sex Offender Information Registry. Most aspects of this legislation have already been touched on in some detail, however, there are some sections that should be mentioned again.

One of the key differences between the amendments in Bill S-3 and the original Sex Offender Information Registry legislation are the authorities given to the Chief of Defence Staff to suspend the application of certain obligations for those who are subject to the Code of Service Discipline. In addition, the Chief of Defence Staff would be given the authority to exempt individuals from some reporting requirements if that information could jeopardize operational security. Under Bill S-3, the Chief of Defence Staff would be required to report the use of these powers to the Minister of National Defence.

These authorities given to the Chief of Defence Staff do not exempt Canadian Forces members from their obligations under the Sex Offender Information Registry Act. A member's obligations will continue and these authorities are meant only to provide a measure of flexibility when conflicts between these two legal regimes arise.

The Chief of Defence Staff would also be able to designate registration centres inside or outside Canada to allow compliance with the Sex Offender Information Registry by those subject to the Code of Service Discipline.

The existence of these powers raises a number of legitimate questions. What sort of circumstances might require the use of these powers? How will it affect the rights and obligations of those required to register under the act? Are there adequate checks and balances placed on the Chief of Defence Staff when exercising these powers? Of course, these powers also raise the question of whether or not those convicted of sexual offences should be allowed to serve as part of our Canadian Forces at all.

It is extremely important to me that our Forces not be brought into disrepute. These men and women represent us to the world and, therefore, the question of whether to retain an individual convicted of an offence of a sexual nature is a serious one. We have to remember that this bill deals with the question of whether or not individuals who are convicted of such offences under the military justice system should be required to register and, if so, how they should do so. Whether or not they should be retained in the Forces is not directly covered in this bill and has traditionally been an internal decision made on a case-by-case basis.

These types of convictions have been relatively rare and in most cases, the convicted individual has been released from the Forces. In cases where they have been retained, they have been subject to probation and counselling.

I am confident that our Forces exercise the same professionalism and commitment to excellence that I have observed in the field, and I am convinced that they will continue to do so. Nonetheless, there are aspects of the section that we will want to look at in the committee.

Another issue is retroactivity. Under proposed section 203.7 of the National Defence Act, the Canadian Forces Provost Marshal can compel any person serving a sentence for an offence under this act, to register his or her information. This is similar to a provision of the original Sex Offender Information Registry Act which was debated at length at the time of its passage.

The Sex Offender Information Registry is intended as a tool for law enforcement. The obligations it places on those convicted are intended to enhance public safety; they are not intended as an additional form of punishment.

Despite the stated intention of the government to introduce full retroactivity into the Sex Offender Information Registry, the requirement to register in Bill S-3 only extends to those who are still within the justice system at the time of the bill's passage. This is the same as in the original legislation. This way it strikes an appropriate balance between the legal rights of offenders and the public right to the greatest possible safety.

Overall, the policy directives of Bill S-3 are similar to those introduced in Bill S-39 of the previous Parliament. Although the current government has made some changes to that bill, to which our colleague Senator Nolin and others have alluded, many are motivated by the fine work of our committee in the last Parliament.

• (1500)

Last week I attended a conference in the United Kingdom dealing with the effects of conflict on women and girls. One of the major preoccupations of the participants was that military justice be every bit as aggressive as civilian justice in cases of sexual abuse.

I know our soldiers act appropriately but it is nonetheless important that we send a strong message. It is equally, if not more important that authorities have all the information they need to investigate and punish sexual offences when they occur in our Canadian Forces.

Therefore, I am happy to support this bill in principle at second reading and look forward to an opportunity to examine it in greater detail in Standing Senate Committee on Legal and Constitutional Affairs.

On motion of Senator Joyal, debate adjourned.

[*Translation*]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Cools*)

Hon. Pierre Claude Nolin: Honourable senators, Gatineau Park is a gem in National Capital Region's crown. It is wholly located in Quebec and spreads out between the Ottawa and Gatineau rivers. It stretches over some 50 kilometres and covers more than 36,000 hectares of forests, mountains, rock, streams and lakes — lakes that are characteristic of the Canadian Shield landscape.

Under the auspices of the National Capital Commission, the federal government owns over 29,000 hectares, or some 80 per cent of the park. Quebec holds the property titles on roughly 6,000 hectares, or 17 per cent, and individuals and others own roughly 855 hectares, or nearly 2 per cent of the park. This includes the roads that belong to the municipalities or the Province of Quebec.

The park has dozens of lakes and hundreds of ponds. It accommodates over 50 species of mammals including some that are considered endangered or at risk, such as the Canadian lynx and wolves. It is home to nearly 230 species of birds. The park is wholly within the boundaries of the regional county municipality of Collines-de-l'Outaouais, of which three quarters of the neighbouring land is farmland. Its southern most tip extends into the urban area of the City of Gatineau. These aspects, however, deprive the park of connections with adjacent natural environments.

This park offers the million and a half residents of the greater National Capital Region direct and easy access to a natural region of incomparable beauty. For over 100 years, the park has been the destination for outdoor recreational activities such as hiking, biking, canoeing, downhill skiing, cross-country skiing, birdwatching, camping, picnicking, riding, snowmobiling and snowshoeing. The list goes on. There are over 1.7 million visitors to the park each year.

Cultural attractions are also a vital part of the life and history of the park. The Mackenzie King Estate is a tourist destination for over 60,000 visitors a year. The Wakefield Mill bears witness to Eastern Canada's past in the lumber industry and the Gatineau Park visitors' centre located in Chelsea offers a variety of services throughout the year. In addition, two official residences, one on Lac Mousseau or Harrington Lake and one at The Farm, add to the historical importance of park policy.

Its location, however, may also be seen as a curse in terms of the preservation of the ecosystem. Human activity can have an impact on natural regions. The constraints humans can impose on the environment in our mad rush to enjoy it, to travel through it or to live beside or within it can disturb or even destroy the natural habitat so dear to us. The sectors on the periphery of the park are becoming increasingly urbanized.

A number of roads cut through the park. They serve local communities. They also provide access to recreational and heritage sites in the park. However, they can fragment borders, contribute to the erosion of natural habitats, increase ecosystem fragility and take away some of the wildness of certain sections of the park. In addition, they can complicate the control of public use of the park.

Honourable Senator Spivak, speaking on May 2, at second reading, said about the need for and importance of Bill S-210, and I quote:

> Gatineau Park is a federal park, not a national park like Banff or Riding Mountain National Park. If Gatineau Park were a national park, an act of Parliament would define its borders. To change them, officials would need to tell us why they want the park to grow or to shrink. If Gatineau Park were a national park, nothing could alter its size or shape without the consent of Parliament.

We know that as a federal park, the borders of Gatineau Park are mutable. They have changed a great deal in recent years. The advantage of Bill S-210 is that it would give Gatineau Park the same kind of statutory protection and parliamentary oversight that we have granted all other significant parks in this country — parks not within sight of the Peace Tower.

Bill S-210 first requires cabinet, by Order-in-Council, to fix the boundaries of Gatineau Park as they stand today. The order must be made within 60 days after this bill receives Royal Assent and must be tabled in each House. That requirement may seem onerous. In fact, it would be reasonable to expect that there already is an Order-in-Council or some other document setting out what is currently parkland and what is not. That reasonable assumption would unfortunately be wrong. We must realize that there are very practical consequences to the vagueness of the boundary. Hunters have very little way of knowing when they are in the park or outside its borders — the same for local residents who harvest firewood for their own use.

The location of the park distinguishes it from other natural parks in Eastern Canada, which tend to be in far more remote areas. The park's location, its close connection with the local community and its proximity to urban communities mean that requests are constantly being received to allow public utilities, roads, hydro towers and sports facilities, for example, in the park. All such proposals undermine the park's mission and future and can have a devastating impact on the ability of indigenous species to survive and thrive.

The NCC has been the steward of Gatineau Park since its creation in 1958. It has made every possible effort to focus on preserving the park's natural and cultural heritage.

• (1510)

It is constantly striving to strike a balance between encouraging Canadians to enjoy the park's splendours and ministering to the desperate need to protect the delicate balance of its natural ecosystems.

It has taken the NCC several years to develop a master plan specifically for Gatineau Park that underscores its determination to vigilantly plan for and manage the park, and to take measures to ensure that it remains protected over the long term.

The park is protected by the National Capital Act, the Kingsmere Park Act, the Species at Risk Act and the National Capital Commission Regulations.

These acts and regulations ensure the protection of various aspects of the park, but they do not protect its borders. Perhaps it is high time to focus on fixing the park borders through legislation?

In 1960, an order in council authorized the National Capital Commission to purchase land for the park and fixed its approximate borders.

No official boundaries were established; there was only a map with a thick shaded line. The NCC considered this perimeter the official boundary until the 1990s, when it initiated a project to rationalize the boundaries of the park.

The rationalization of these boundaries was undertaken in the years following approval of the original master plan for Gatineau Park.

The criteria used to determine park boundaries included ecological characteristics, natural or artificial barriers, management needs and location of private properties, among others.

The nature of these boundaries was influenced by other factors: construction of large infrastructure projects such as Highway 5 and Chemin de la Montagne — now known as Boulevard Saint-Raymond to those familiar with Gatineau; changes resulting from planning studies such as the 1990 master plan for Gatineau Park; and enclaves of private properties with development potential. That said, this may be the opportune moment to establish definite boundaries for Gatineau Park.

It is appropriate for Parliament to have oversight over changes to the boundaries of this national treasure.

The concept of the National Capital Commission purchasing real property in the park is also worthy of consideration, when possible and doable. However, this is an activity already carried out by the NCC, when in a position to do so, given its financial constraints.

Bill S-210, if adopted, will ensure that committees of the House of Commons and of the Senate could democratically review future proposals for its expansion and clearly establish the value prior to signing any agreement.

The bill before us favours the principle of transparency in managing real property in that it would prevent the sale of any portion of Gatineau Park declared to be of national interest and held in perpetuity for all Canadians and for future generations.

The NCC would have to submit all proposed amendments to the legislation to Parliament, including the Senate, of course; such protection is no different than the protection we already provide to all the other national parks.

Some aspects of the bill could be discussed further. Honourable senators, the Committee on National Finance will consider some aspects such as: the degree to which the Province of Quebec should have veto power over enlarging the park's boundaries and over its activities and policies. As you can see, that measure alone is worth discussing further. We will have to get informed expert opinions; establish criteria to give the commission the right of first

refusal on the sale of the property within the park and what that entails. As I was saying, there are private parcels of land within Gatineau Park. It would be advisable to look at how to provide the National Capital Commission with the right of first refusal.

Another concern the committee will consider is the role of the minister in providing opportunities for public participation, given the Crown corporation status of the National Capital Commission.

Given the announcement by the Minister of Transport, Infrastructure and Communities on reviewing the mandate of the National Capital Commission, which includes managing Gatineau Park, it could be prudent to resolve the concerns related to the park's boundaries within the context of this review.

In closing, honourable senators, I am convinced that, in general, the proposals in this bill will be strongly endorsed by the residents of the National Capital Region, who will be anxious to see the bill pass quickly, notwithstanding some minor adjustments.

Honourable senators, I encourage all of you to support this important bill.

[*English*]

Hon. Tommy Banks: Would the honourable senator entertain a question?

Senator Nolin: Yes.

Senator Banks: I thank the honourable senator for speaking to Bill S-210 because it is important not only to the residents of the National Capital Region but also to all Canadians. Clearly Senator Nolin has looked into this carefully for he has raised some interesting points that must be borne in mind, including the fact that the creation of either a federal park, as in this case, or a national park requires the agreement of the province where the park is located. That is true of all national parks in Canada. Since the honourable senator has studied the matter carefully, has he arrived at an opinion as to the distinction that is made between national parks, which are across the country, and a federal park, which is unique? I believe that Gatineau Park is the only federal park in Canada. Does he have a personal opinion as to why the government would not entertain making Gatineau Park a national park?

Senator Nolin: When I heard Senator Spivak's comments and read the bill the fact that Gatineau Park is the only federal park in Canada caught my attention. Its singularity is that it has no legal boundaries. The intent of Bill S-210 is to establish and protect legal boundaries to ensure that, in the future, no one could change the boundaries without prior consent of Parliament. Basically, it is the legal physical description of the park that is contemplated in Bill S-210.

The honourable senator's question is much broader than that and I understand his interest in the response. Perhaps his question could be put to witnesses appearing before the committee that will consider the bill. The purview of the bill is focused on enacting the legal limits of Gatineau Park. That is my understanding of the bill's intent.

Senator Banks: I agree, that is the intent of the bill and the honourable senator is right in saying that my question about the simplest way to establish legal boundaries of a park would be to make it a national park. However, that matter would be studied by the committee.

I move adjournment of the debate.

The Hon. the Speaker: We have a motion from Senator Banks. Would Senator Nolin take a question from Senator Joyal?

Senator Nolin: Yes.

• (1520)

[*Translation*]

Hon. Serge Joyal: Honourable senators, I would like to ask another question of the honourable senator. The senator mentioned in his concluding remarks that the committee should discuss other aspects, specifically the role of the Government of Quebec in defining a national park. If I recall rightly, at the time the Canadian government planned to extend the national parks system, it took the trouble to get the approval of the provinces in which new national parks were to be created. The honourable senator has a very good memory. He will recall the whole discussion around the creation of Forillon Park in the Gaspé, among others, including Mingan Park in a region the senator knows well.

Prior to this bill, did the Government of Quebec express any objection to the bill's proceeding? If the event there were no discussions, would the honourable senator consider an amendment that would permit the suspension of the bill's application for a given period of time? That would give the provincial government involved a formal opportunity to express its opinion on the bill.

Senator Nolin: That is a very interesting question. That is why I mentioned certain aspects to be considered when we study the bill. I am not aware of any specific discussions. Given that the Province of Quebec owns 17 or 18 per cent of the land in the park, I do believe that when the National Capital Commission developed its master plan for Gatineau Park, it at the very least began that kind of discussion with the Province of Quebec.

The Minister of Transport, as I mentioned at the very end of my remarks, spoke publicly about the opportunity to do what we are planning to do. I think we should talk to those who have specific responsibilities and can shed some much-needed light on the issues you have raised. I think that Gatineau Park is unique. We must protect its boundary. As I said in my speech, the boundary includes property that is not exclusively federal. That is why we will have to study it in detail and work with that reality. I think that those with executive responsibilities should appear before the committee to provide answers to the questions you raised.

[*English*]

Hon. Mira Spivak: Honourable senators, I would like to shed some light on this subject.

The Hon. the Speaker: It would be in order if you ask Senator Nolin a question.

Senator Spivak: Is the honourable senator aware of the discussion that Quebec would never agree to a national park but a minister in the Quebec government said they have never been asked?

Senator Nolin: Yes, I heard that rumour. That is why I answered Senator Joyal by saying: Let the proper speaking authorities give us their answer to those important questions.

[*Translation*]

Hon. Jean Lapointe: Honourable senators, I have another question. In the current context, should your bill drag out or if there is no improvement, could a real estate developer purchase the land in order to build, up to a park standard, and sell those lots and houses to private persons?

Senator Nolin: As I already mentioned in my comments, the park is protected by various acts and the National Capital Commission Regulations. A situation such as the one you describe is very unlikely. That said, there is nothing to prevent existing owners, since the park already has some private property, from developing land they already own, based on the acquired rights. Here again, there are plenty of regulations to limit such expressions of freedom of property owners. Situations such as the one you describe are all but impossible.

The purpose of the bill is to ensure control over the park's borders. Let us be certain exactly what constitutes Gatineau Park, which does not yet exist. We have a map that is part of an Order-in-Council. However, the drawback of that map is that it is only a graphic representation with no written description. Unfortunately, lawyers and notaries prefer texts, not pictures, and there are no texts.

Hon. Maria Chaput: Honourable senators, here in Canada, we have a network of national parks that was established in 1992. If everything goes as planned with the Quebec government, will this park one day become part of that network?

Senator Nolin: That goes back to the question Senator Banks asked me earlier. Certainly, the Government of Canada could, in future, consider making Gatineau Park part of the Canadian parks network. As I said, the purpose of the bill is to make Gatineau Park a federal park and to establish its physical boundaries. When this precise, legal description is drawn up, a series of mandatory agreements will have to be made between the various owners of the current park. This is not an impossible task.

The park in Banff and other national parks contain private properties. This is not an impossible task, but the technical description must be given a legal framework and must not be modifiable. Parliament must have the final word on the initial technical description of this park and any amendments to it proposed thereafter.

[*English*]

Hon. Anne C. Cools: Honourable senators, I have been listening to the honourable senator, and I am pleased about his support for this bill, which I will support as well. I get the impression it is widely supported.

The honourable senator spoke of national parks; and I would say the term "national parks" is one that is well known and well understood. He has also said that the Gatineau Park is a federal park and the only federal park. Can the honourable senator tell us what a federal park is?

Senator Nolin: I thank the honourable senator for her question. It is a small question that begs for a broad answer, and I do not have the answer. I can say that Gatineau Park is a federal park, not a national park.

Senator Cools: That was my point. No one knows what a federal park is.

Senator Nolin: That is the heart of the problem. Because it is federally owned property, it can be called a federal park. The problem is not with the word "federal" but with the word "park."

Senator Cools: I am sure we will discover all of this in the committee.

• (1530)

I believe senator Banks wanted to take the adjournment. It has been standing in my name. I yield to Senator Banks.

On motion of Senator Banks, debated adjourned.

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Munson calling the attention of the Senate to the issue of funding for the treatment of autism.—(*Honourable Senator Di Nino*)

Hon. Norman K. Atkins: Honourable senators, I wish to thank Senator Di Nino for yielding to me.

I rise today to add my voice to those who support Senator Munson's inquiry on the urgent need for funding for the treatment of autism and to thank him for taking the initiative on this important issue.

The Senate cannot look at this situation without understanding the facts about autism. These facts are shocking and discouraging.

The Autism Society Canada defines autism and the spectrum disorders as

> ...a neurological disorder that causes development disability. It affects the way the brain functions, resulting in serious difficulties with communication and social interaction, as well as unusual patterns of behaviour, activities and interests.

The Autism Society says that one in 166 children is affected by autism or spectrum disorders. Honourable senators, this is truly a worrisome statistic, one that forces us to listen and should force us to act.

However, the crisis in autism goes beyond simple statistics. I am sad to say that it exposes some ugliness in our society. Autism reveals that there is inequity in Canada — inequity in standards of treatment. The fact is that we treat some people with autism better than others. A child diagnosed with autism in Alberta has a much better chance of functioning normally than a child in Ontario or New Brunswick. This is unacceptable for a country that prides itself on equality and on its universal health care system.

In the province of Alberta, widely regarded as the best province for autism treatment, parents of autistic children receive $40,000 a year per child through the Department of Children's Services. As of March 2002, 654 children had received this funding, of which 318 received the intensive behavioural intervention treatment.

In contrast to Alberta, some provinces do not provide treatment at all, while others, such as Ontario, provide some treatment but not enough to meet current needs. In Ontario there are long waiting lists of children who desperately need treatment. To add insult to injury, the treatment in Ontario, after a certain age, is cut off. Children languishing on waiting lists may finally get to the top of the list, only to be told they are too old to receive treatment. This is outrageous. Is this any way to treat a child?

The question remains, honourable senators: What are we waiting for? It is widely accepted that early diagnosis and treatment is necessary to help children living with autism spectrum disorders. To deny treatment is to increase their chances of spending their adult lives in the care of parents or state-run institutions. We have a chance to help people achieve independence and to prosper. Honourable senators, what are we waiting for?

Investments in health care, social services and education systems may seem costly when we look at them in terms of dollars and cents, but when we compare them to the cost of housing and caring for adults living with these disorders, it is clear to see the benefit in early treatment. The Autism Society Canada now estimates that approximately 200,000 Canadians are currently living with some form of autism spectrum disorder. Add to this the one in 166 children born with some form of autism spectrum disorder and you have a truly national crisis that requires an immediate response.

Therefore, we must develop a strategy to deal with this worrisome trend. Given that the diagnosis and treatment of autism would fall into many areas of provincial jurisdiction, we must increase funding to provinces and territories to provide treatment free of charge, as well as education and training for health care professionals.

Furthermore, we must push Health Canada to begin surveillance on autism diagnosis rates to see how widespread this crisis has become. With this new information, we can develop benchmarks for treatment and provide wait-time guarantees for the delivery of the treatment.

We also need to know more about this terrible disease. Research must be a priority. The federal government must begin funding research into autism spectrum disorders through the Canadian Institutes of Health Research.

Finally, honourable senators, it is essential that the federal government begin to ease the financial burden carried by the families affected by autism. Whether the government provides essential treatment free of charge or offers these desperate families tax breaks, urgent action is required.

Honourable senators, this situation is not getting better. Every day that the government delays taking action, another family goes deeper into debt; another child is knocked off a waiting list because he or she is too old; another family leaves their home to move to a more autistic-friendly province. This is not the Canada of which we are so very proud, honourable senators.

What are we waiting for? Let us take action against autism and help thousands of children and families across Canada. Let us let them know that they are not alone.

On motion of Senator Di Nino, debate adjourned.

[*Translation*]

BUDGET 2006

INQUIRY—DEBATE ADJOURNED

Hon. Daniel Hays (Leader of the Opposition) rose pursuant to notice of May 4, 2006:

> I will call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on May 2, 2006.

He said: Honourable senators, in preparing for this statement on the Conservative government's first budget, I looked at what my friends opposite said in 1993 when they found themselves in opposition after their long time in the government of Prime Minister Brian Mulroney.

I thought that their remarks would help me determine the best approach as to what attitude to take when one is a member of a party that has just been snubbed by the voters.

• (1540)

Honourable senators, I would like to mention in passing that the rejection of the Liberal government in 2006 was very different from the storm brought down on the Progressive Conservatives in 1993.

I will begin by reviewing what was said by Conservative senators after the first budget of the Chrétien government was tabled by Paul Martin on February 22, 1994.

In examining the speeches given in the months following the tabling of the budget, I was struck by the ambiguity of their remarks, even surprised by their attempts to attribute to others the responsibility for the sizeable problems encountered by the new government.

The speech by Senator Murray on March 16, 1994, reminded me that the unemployment rate of 11.4 per cent had almost reached a new high and that the true deficit was almost $40 billion. According to Senator Murray, quoting from a newspaper article, it was at a "disastrous" level.

[*English*]

My friend Senator Stratton cautioned us that there was a "feeling of uncertainty amongst those who invest in our country." In his speech he went on to ask the following:

> Why are we continuing to stagger from financial crisis to political crisis, then back to financial crisis and again to political crisis, repeating the downward spiral ever downward? Is our democracy failing?

Those words, as much as anything, provided an encapsulation of the problems that existed and had to be addressed.

However, from Senator Oliver we were told, "There is no coherent plan for the economy." From Senator Fernand Roberge we learned that the budget "attacked Canadians from all walks of life." Senator Brenda Robertson charged that the budget was "a brutal slap to Atlantic Canada" and had "no moral content."

The invitation to the opposition in the Senate is to not hesitate to take a firm and critical approach to a new government's first budget when it believes the situation warrants it.

In that vein, let me make it clear that my first and, perhaps, overriding concern is that the generous legacy that has been left to the Harper government by Jean Chrétien and Paul Martin could be put at risk in pursuit of short-term political gains.

As I have noted earlier this session, the budget does not contain the traditional provision for prudence. Its omission, I fear, reinforces the concern that this government intends to pursue a majority government in priority to prudent fiscal management. Canadians do not want a budget of short-term gain if it is to be followed by long-term economic pain.

There is much to be concerned about in the budget. Let me begin with the environment and, more specifically, the government's position on the Kyoto accord. The government is being evasive and creating confusion instead of taking a position for or against the accord — you cannot do both at the same time — and implementing the policy that follows that decision in an open, transparent and accountable manner.

There is the greatest need for accountability when it comes to managing and respecting Canada's international agreements and obligations. The Conservative government has let down its fellow members of the Kyoto Protocol. Minister Ambrose says that the government does not plan to abandon this multilateral agreement altogether, yet her rhetoric and the uncertainty created by the budget are giving Canadians and the international community every indication that the government questions the most basic tenets of the accord and will do as little as possible to respect the accord.

It is not a good sign that leading Canadian environmentalists from Greenpeace Canada, the Climate Action Network, the Pembina Institute, the David Suzuki Foundation, the Toxics Watch Society and the Canadian arm of the World Wildlife Fund urged Minister Ambrose to resign her position as President of the Conference of the Parties to the Climate Change Convention in Bonn last month.

Ironically, the government's indecision is in sharp contrast to the clear position of the eastern premiers who are stepping in to fill the void, pledging to meet their previously agreed environmental targets. Premier Bernard Lord said:

> I want New Brunswick to have the largest reduction of air and water pollution in Canada over the next five years.

Prince Edward Island's Premier Pat Binns said:

> A lot of us are trying to take a leadership role there, and hope our federal partners will come along.

Quebec's Premier Jean Charest said his province was very committed to Kyoto. Indeed, as was observed by Senator Fox during Question Period, he urged the leader of the Bloc Québécois to vote against the federal budget after Ottawa refused to give Quebec the $328 million the Liberals had previously offered his province for their emissions-reducing programs. "I invite him to do what people have mandated him to do in respect of his responsibilities," Jean Charest said last Friday of Gilles Duceppe.

Over the years, the Liberal Party has realized that the environment should be one of our priorities. As such, the Liberal government put together a comprehensive plan to tackle the issue. The plan was called Project Green, and comprised approximately 166 environmental programs. It is not clear whether any of these programs exist anymore, as many have had their funding cut or have simply been abandoned.

By contrast, the Conservative government made commitments for just two environmental programs in its recent budget. The first is a tax credit for transit users, and the second a capital cost allowance for forestry bioenergy.

The Liberal government committed over $5 billion over five years to environmental programs and other initiatives in its budget delivered last year in April. This amount was followed by another $1 billion to increase the scope of the popular EnerGuide program for residential and commercial retrofits.

By contrast, Minister Flaherty said in his speech on the budget that $2 billion would be devoted to a made-in-Canada climate change program over the next five years. However, neither was this $2 billion mentioned in the budget itself, other than the two programs referred to, nor were the Conservative party's intentions revealed in the ensuing budget implementation bill.

The sum of $2 billion is a nice sum of money, but it is not $5 billion as was committed by the previous Liberal government, and the money does nothing for Canada's environment if there is no plan to go along with it.

One program the Conservatives axed was the popular EnerGuide program that we talked about in this chamber. One would have thought that EnerGuide would have fallen squarely within the government's made-in-Canada basket of solutions. Environment Canada's own experts have concluded that this program was reducing greenhouse gases at a cost of $20 per tonne, while Stephen Harper's tax credits for transit riders will reduce emissions at an estimated cost of $2,000 per tonne.

What is the rationale for replacing a program that had households and businesses all over Canada involved in combatting global warming with one that will cost 100 times as much? A credit for bus passes is a good idea. It rewards people for making good environmental choices, but it is not an environmental program.

The Conservative government has indicated that it is interested in joining the Asia-Pacific Partnership on Clean Development and Climate, known as the AP6, led by the United States and Japan. The AP6 has set no targets, no timelines and no penalties. It is purely voluntary. It is multilateral, but with only six members, it is not comparable to the 180 countries who have entered into the Kyoto Protocol. Two of its members, Japan and Korea, are also strong supporters of Kyoto and view this alignment as a supplement to the Kyoto commitments. The member countries of AP6 have had only one meeting, and last week the United States Congress scrapped the funding needed for this initiative. Is this partnership the one Conservatives want to align themselves with?

The Conservative government is, I believe, in a difficult situation. It must decide on a strategy to tackle a wide range of environmental issues, including global warming, and it must explain to Canadians what it is doing. The budget tells us that we have no plan before us. Will the government stay on as a member of the Kyoto Protocol and provide the plans to follow through on its commitments toward the environment, or will it continue to pursue a made-in-Canada global warming solution while continuing to cancel existing made-in-Canada environmental programs it inherited from its predecessor government?

• (1550)

Last year Canada had a plan and was leading the international community on the only plan that exists in the global community. As it stands, we do not have a plan and we do not appear to have the political will or leadership to develop one.

Honourable senators, others in this chamber — and I wish to turn now to my favourite topic, the GST — have questioned the wisdom of the government's budget providing for a 1 per cent cut in the GST rate in the coming fiscal year. We question the wisdom of raising personal taxes in order to pay for that cut.

There have been many articles in the newspapers and statements by economists across the country saying that it may be good politics, but it is bad policy. I do not propose today to focus on that aspect of the debate because the ground was well covered by Senator Austin last week in his speech on Bill S-215, but I do want to raise a concern that I have about this government's approach to reducing the GST rate.

One of the main arguments put forward by the government of Brian Mulroney, when it sought to introduce the GST, was that the Manufacturers' Sales Tax was too complex to administer. We were told that one of the critical founding principles of the new proposed GST would be that it would minimize compliance costs for business and administration costs for government.

Honourable senators, it has been very difficult to find figures or estimates of the costs of compliance and administration. The CRA, Canada Revenue Agency, is not very forthcoming, at least in written documents that I have been able to find, and there is not much on compliance cost, although I did find an article published by the Canadian Tax Foundation indicating that annual GST compliance costs for businesses were estimated to be between $1 billion and $1.5 billion.

With respect to administrative costs for government, while they may be less, they probably approach that number. I am not sure what they would be because, as you know, one of the costs of the GST is fraud on the fund. While much progress has been made in dealing with that fraud, it is difficult at any given point in time to get the exact number. We could be talking about as much as $2 billion or more on a tax that generates, I believe, $34 billion.

When the tax is reduced, the efficiency of that tax is severely compromised. I believe, honourable senators, that is one of the reasons at the base of the comments by economists and commentators that this may be good politics, but it is very bad policy.

The other principal reason is that it does not address one of our biggest needs and that is to reduce taxes at other levels. Of course, reducing taxes at other levels would probably have a positive effect, at least on the administrative costs of those taxes.

Honourable senators, this concern is reflected by the Canadian Federation of Independent Business and the Canadian Retail Council of Canada. Two reductions in the tax will add considerably to the cost of compliance. As the cost is already high and as the tax is reduced, its efficiency is decreased: bad policy, good politics. At some point, the tax becomes so inefficient that one would wonder whether abolition might be something worth considering.

It is more likely that there will be a pick-up in the reduction of the rate. In some articles, I am told, the Prime Minister has invited the province to simply increase where they have a sales tax. This would preferably be a harmonized sales tax, as they have in the Atlantic region or in Quebec, where it is harmonized, which means there may be no reduction. So, not only is it bad policy, it may be bad politics, but good policy for the provincial governments who might pick up the tax. We do not know whether that will happen; we will determine over time if that is the case.

What does the new Conservative government do, honourable senators? The new government is reducing the GST, a change that will cost millions. It will reduce the efficiency of the tax, which will be repeated in further reductions, and we know not what in the next budget. Honourable senators, I think we must seriously question whether this move is good policy.

I would like to touch finally on the fiscal balance.

Senator Murray: Imbalance. The Conservatives are not allowed to call it imbalance. They call it balance. The Liberals have always denied that it exists.

Senator Hays: Yes, and I have this rather fat document.

I will now mention a few words concerning the fiscal situation.

The fiscal balance warranted a 140-page companion document to the Budget, but in attempting to understand what the government has in mind I am challenged by the fact that its strategy and objectives are as clear as its strategy and objectives on the environment.

Senator Oliver: Shame!

Senator Hays: The Constitution has, interestingly enough, detailed allocation of powers. The only two that I am aware of that are concurrent or shared are agriculture and immigration. The environment is not mentioned because it was not a consideration in the mid-nineteenth century and has evolved as a shared power.

As the demand and expectations of society have changed, we have accommodated successfully those demands in a pragmatic way. Leading up to the last election, some provinces were expressing their dissatisfaction with some of the existing fiscal issues, and Prime Minister Harper — then in-waiting — promised to address them. What is the current situation? Benoit Pelletier, Quebec's minister of Intergovernmental Affairs says:

> Ottawa has more money than it needs to discharge the functions for which it is responsible, while the provinces have insufficient resources to accomplish the tasks for which they are constitutionally accountable.

I quote it simply to indicate an unhappy province.

Premier McGuinty of Ontario has expressed concern that Ontario could send an even greater portion of its tax dollars to other provinces to fund a level of service it cannot afford for its own citizens; another unhappy province.

Recently, my own premier, Ralph Klein, said he would fight "tooth and nail" and seek a legal opinion to see if his province could withdraw from the equalization regime if non-renewable resource revenue was included in the formula. He got very carried away, obviously, as has been observed in some of the editorials. It was an interesting stance for a number of reasons, not the least of which is the fact that in its election platform on page 43, the Conservative Party vowed to take measures,

> ...which would ensure that non-renewable natural resource revenue is removed from the equalization formula to encourage economic growth.

It will be interesting to see if and how this election promise is kept.

Yesterday, the blue ribbon panel headed by Al O'Brien, a former Deputy Minister of Finance for Alberta, presented its report to the federal government on the fiscal balance. It recommended including one half of natural resource revenue in the equalization formula and placing a cap on the plan's growth. In the papers this morning we all read how a number of provinces reacted very strongly against the recommendation, including, interestingly enough, Newfoundland. This was also the subject matter of a question I put earlier today to the Leader of the Government, and I think the answer will be somewhat satisfying to Newfoundland.

The more one examines the way in which the fiscal imbalance question is being politicized, the more it gives rise to serious concern. Norman Spector, noted in a recent newspaper column, that on the fiscal balance issue, Prime Minister Stephen Harper "does not know where he is going, a very worrisome prospect in light of the expectations he has created." He went on to write that Mr. Harper's government "could end up putting the future of Canada at risk, and for no reason other than electoral politics." This is a remarkable comment about the Prime Minister from this particular writer.

Honourable senators, the progress we have made as a nation over the last few years, particularly in fiscal management, is remarkable.

• (1600)

The situation in 1993 is described as a time of staggering from crisis to crisis when compared to the generous inheritance bequeathed to the Conservative government in 2006 speaks for itself. Instead of building on that legacy, however, the new government has decided to focus on a political objective with scattered tax reduction measures, while ignoring fundamental challenges that face our nation, such as the environment, the productivity of our economy, the accessibility to post-secondary education and the demographic changes that an aging population poses to our society.

The budget fails to address the big issues facing our country in the years ahead and that is why our party does not support it. The government has not kept its promises to the agricultural sector and it is failing our First Nations with a weakened commitment to the Kelowna accord.

On this side of the chamber, we cannot find common cause with a government that does not give priority to the difficult problems facing our country and ignores the real needs of the people of Canada.

I wish to return to the point with which I began my remarks, namely the 1994 budget. As I described, the members of the Conservative opposition in this chamber were critical of Prime Minister Jean Chrétien's first budget and refused to accept any responsibility for the difficulties the country was in after their stewardship of the public purse. However, they did allow the budget implementation bill of 1994 to pass in the Senate on division, notwithstanding their strong majority and their strong opposition to the budget. For my part, the precedent is a compelling one.

Honourable senators, I do not necessarily speak, however, for all of my colleagues. That will await a study and disposition of the bill in this chamber.

On motion of Senator Tkachuk, debate adjourned.

[*Translation*]

OFFICIAL LANGUAGES

MOTION TO REQUEST GOVERNMENT RESPONSE TO COMMITTEE'S REPORT ON STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS ADOPTED

Hon. Maria Chaput, pursuant to notice of May 31, 2006, moved:

> That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government to the sixth report of the Standing Senate Committee on Official Languages, entitled *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level*, report tabled in the Senate on June 14, 2005, and adopted on July 18, 2005, during the First Session of the Thirty-Eighth Parliament; and that the Minister of Canadian Heritage, the Minister of Social Development and the Minister of Official Languages be identified as Ministers responsible for responding to the report.

She said: Honourable senators, on June 14, 2005, my honourable colleague, Senator Eymard Corbin, then chair of the Standing Senate Committee on Official Languages, tabled the sixth report of said committee entitled: *French-Language Education in a Minority Setting: A Continuum from Early Childhood to the Postsecondary Level.* He also moved that this report be added to the Order Paper of the next sitting of the Senate.

Two days later, Senator Corbin moved adoption, seconded by Senator Poulin, and asked the government to provide a complete and detailed response. He took the opportunity given to him as chair of the Standing Senate Committee on Official Languages to point out that this study had been launched under the auspices of the Honourable Rose-Marie Losier-Cool when she was chair of the committee.

In fall 2004, the committee had the opportunity to hold sessions in Western Canada. It also heard a number of witnesses and experts in the area of French-language education in a minority setting and received advice on the requirements of article 23 of the Charter of Rights and Freedoms with respect to the rights of parents to have their children receive primary and secondary school instruction in their mother tongue.

Let us not forget that education in minority francophone communities affects 160,000 students in 665 schools across the country, excluding Quebec. We must also remember that the Standing Committee on Official Languages believes that the quality of education provided to francophones in this country must not be inferior to that offered to linguistic majorities in Canada. This is required under section 23 of the Charter.

Our former colleague, Senator John Buchanan, expressed the hope that this study would not gather dust in offices, schools and libraries. He said that the document should be an integral part of the curriculum in Canadian schools and universities. He also hoped that the federal government would follow up on the eight recommendations in the report speedily and effectively.

On June 23, 2005, Honourable Noel Kinsella, then the Leader of the Official Opposition in the Senate, described the report as an excellent report and vigorously recommended that the honourable senators read it. Senator Kinsella also noted that:

> Section 23 of our Charter of Rights and Freedoms makes it perfectly clear that children of both francophones and anglophones have an equal right to an education in their first language. Consonant with that requirement of the Charter, obviously there has to be a parallel requirement that they are entitled to receive the same quality of instruction.

In his remarks, Senator Kinsella confirmed what we all know:

> ...francophones living in a minority community lack the tools and instruments that would allow them to obtain an education equal in quality to that of the linguistic majority. ... By addressing the shortages, we are on track to kill the proverbial two birds with one stone. First, if the quality of instructional programs is improved, enrolment will likely increase.

Among the measures advocated by Senator Kinsella in June 2005, we should note the importance he gave to additional federal funds to ensure the vitality and meet the particular development needs of the minority francophone communities. Senator Kinsella concluded:

> Education is underscored by this report. It must be considered as the cornerstone of community development, starting from early childhood and going up to the post-secondary level.

Finally, on July 18, 2005, Senator Lowell Murray, one of the members of the Standing Senate Committee on Official Languages at the time, reminded honourable senators that the committee drew on the provisions of rule 131(2) to call for an official response from the government. The motion was adopted.

The dissolution of Parliament in November 2005 put an end to the period of 150 days the government had in which to respond. It is just as appropriate today to call for such a response from the government.

I would like, in my capacity as Chair of the Standing Senate Committee on Official Languages, to reiterate the call for a response from the government.

Motion agreed to.

The Senate adjourned until Wednesday, June 7, 2006, at 1:30 p.m.

CONTENTS

Tuesday, June 6, 2006

PAGE

Distinguished Visitor in the Gallery
The Hon. the Speaker . . . 431

SENATORS' STATEMENTS

Imperial Order Daughters of the Empire Conference
Canadian Hard of Hearing Conference
Hon. Catherine S. Callbeck . . . 431

D-Day and Canadian Forces Day
Hon. Michael A. Meighen . . . 431

Diabetes Day on the Hill
Hon. Marilyn Trenholme Counsell . . . 432

China
Seventeenth Anniversary of Tiananmen Square Massacre.
Hon. Consiglio Di Nino . . . 432

Walk the World for Schizophrenia
Hon. Lillian Eva Dyck . . . 432

Visitors in the Gallery
The Hon. the Speaker . . . 433

ROUTINE PROCEEDINGS

Renewal of Property Qualification
List of Senators Tabled.
The Hon. the Speaker . . . 433

Study on Consumer Issues Arising in Financial Services Sector
Report of Banking, Trade and Commerce Committee Tabled.
Hon. Jerahmiel S. Grafstein . . . 433

Agricultural Marketing Programs Act (Bill C-15)
Bill to Amend—First Reading . . . 433

Budget Implementation Bill (Bill C-13)
First Reading.
Hon. Gerald J. Comeau . . . 434
Hon. Joseph A. Day . . . 434

QUESTION PERIOD

Finance
Equalization Formula—
Exclusion of Non-Renewable Resource Revenues.
Hon. Daniel Hays . . . 434
Hon. Marjory LeBreton . . . 434

The Environment
Kyoto Protocol—Government Policy.
Hon. Francis Fox . . . 435
Hon. Marjory LeBreton . . . 435

PAGE

Intergovernmental Affairs
Manitoba—Recognition of Agreements with Previous Government.
Hon. Maria Chaput . . . 435
Hon. Marjory LeBreton . . . 436

Foreign Affairs
Haiti—Death of Former Royal Canadian Mounted Police Officer Mark Bourque.
Hon. Jim Munson . . . 436
Hon. Marjory LeBreton . . . 436

The Cabinet
Notice of Meetings.
Hon. Joan Fraser . . . 436
Hon. Marjory LeBreton . . . 436

Answer to Order Paper Question Tabled
National Defense—Armament Specialists.
Hon. Gerald J. Comeau . . . 437

Statutes Repeal Bill
Notice of Motion to Authorize Legal and Constitutional Affairs Committee to Receive Documents and Evidence on Study of Bill S-5 in the Thirty-Eighth Parliament.
Hon. Tommy Banks . . . 437

ORDERS OF THE DAY

National Defence Act
Criminal Code
Sex Offender Information Registration Act
Criminal Records Act (Bill S-3)
Bill to Amend—Second Reading—Debate Continued.
Hon. Mobina S. B. Jaffer . . . 437

National Capital Act (Bill S-210)
Bill to Amend—Second Reading—Debate Continued.
Hon. Pierre Claude Nolin . . . 439
Hon. Tommy Banks . . . 441
Hon. Serge Joyal . . . 441
Hon. Mira Spivak . . . 441
Hon. Jean Lapointe . . . 442
Hon. Maria Chaput . . . 442
Hon. Anne C. Cools . . . 442

Funding for Treatment of Autism
Inquiry—Debate Continued.
Hon. Norman K. Atkins . . . 442

Budget 2006
Inquiry—Debate Adjourned.
Hon. Daniel Hays . . . 443

Official Languages
Motion to Request Government Response to Committee's Report on Study of Operation of Official Languages Act and Relevant Regulations, Directives and Reports Adopted.
Hon. Maria Chaput . . . 447

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 21

OFFICIAL REPORT
(HANSARD)

Wednesday, June 7, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

LIBRARY
NOV 15 2006
of Toronto

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, June 7, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NATIONAL SECURITY

Hon. David Tkachuk: Honourable senators, this week, 17 people, five under the age of 18, were arrested for terrorism-related offences. For reasons difficult to understand, they were intent on committing acts of terror upon their own country of Canada and upon their fellow Canadians. Fortunately, these misguided intentions came to nothing.

To the men and women of the participating organizations — RCMP, CSIS, local law enforcement and Toronto's Integrated National Security Enforcement Team — our heartfelt gratitude and thanks. You did your job and you did it well.

We have known for a long time that we are no more immune to threats of the sort that we came up against this past weekend than the U.S., the U.K. or any other nation that has taken up the battle against terrorism.

Just last week, Jack Hooper, the Deputy Director of Operations at CSIS warned the Standing Senate Committee on National Security and Defence of the threat from home-grown terrorists saying:

> We have a bifurcated threat at this point — the threat that comes to Canada from the outside as well as a home-grown threat, and the homegrown variants look to Canada to execute their targeting. They are not looking to Afghanistan, the U.K. or anywhere else.

We are well aware that we have been singled out because of our efforts in Afghanistan. In response, I say that we are in that country because we have a job to do: rebuild a nation steeped in despair and fear and prevent Afghanistan from once again becoming a safe haven for terrorists.

As the Prime Minister has said:

> We just cannot let the Taliban, backed by al Qaeda, or similar extremist elements return to power in Afghanistan.

We cannot let extremist elements undermine our security at home.

• (1340)

Frankly, trying to deter our efforts against terrorism with a terrorist attack or the threat of a terrorist attack will not work. Rather, it serves to increase our resolve. After all, we are Canadians, and we will not back down when we know what we are doing is right; and, honourable senators, what we are doing is right.

This weekend, our security and intelligence efforts worked. We need to make sure they continue to do so.

I am pleased to say that this government is doing all that it can to ensure the national security of all Canadians here at home. We are strengthening our laws. In the budget, which will appear before us this afternoon, we are putting more resources toward police and security. We are doing this because we need to.

THE LATE CAPTAIN NICHOLA GODDARD

Hon. Roméo Antonius Dallaire: Honourable senators, 62 years ago, a young artillery captain called John Matheson was adjusting artillery fire in southern Italy in support of an infantry attack on an enemy position. Exposed while performing that duty, he received shrapnel from enemy artillery fire. He was rendered an invalid and, in fact, was evacuated as an "hors de combat."

Over the years, he continued, through the Veterans Charter, to study. He became a lawyer, then a judge and, ultimately, in 1964 was appointed by Prime Minister Lester Pearson to head the peacetime campaign to choose the national flag. Mr. Matheson once again led with diligence, determination and courage in the final selection of the Canadian flag, which was inspired by the flag of the Royal Military College of Canada, which flew over the Mackenzie Building when he went off to war 25 years earlier. The success of that campaign is obvious to us all today.

After graduating from the Royal Military College of Canada, I was also appointed as a forward observation officer in the Cold War campaign, where East and West were facing each other across the German borders. In that war, no big guns were fired in anger.

Today, at this moment, as I stand here in this chamber, in Canada's National Military Cemetery in Beechwood Cemetery here in our nation's capital, a large gathering of generals and admirals, colonels and captains, warrant officers and sergeants, corporals and privates and bombardiers and gunners, as they are called in the artillery, are laying to rest Captain Nichola Goddard, killed in action as an artillery forward observation officer on May 17, 2006.

While exposed in order to call down fire of the big guns to protect the infantry around her and neutralize the enemy target, her armoured vehicle was fired upon by three anti-armour rockets. Exposed as she was in doing her duty, her body was shattered by shrapnel in the blast and she died at her post.

This young woman was also a graduate of the Royal Military College of Canada with an honours degree in English, which she completed with first-class honours four years to the day before her death. She gave her life for both the protection of her comrades and the successful accomplishment of the perilous mission.

Most worthy of recognition, her ultimate sacrifice is emblematic of the equal sacrifices that women of our great nation are making for the advancement of democracy, human rights, rule of law, empowerment of women in male-dominated societies and equal education for girls and boys. Her role, and the terrible price she has paid, as well as the lasting suffering of her comrades in arms and her family, are not in vain.

It was not for myopic, near-term, tactical politics that she served overseas. She served in the firm belief that her mission was just, and essential to the innocent women and men of Afghanistan and to the advancement of freedom from all forms of oppression by extremists in the world.

Captain Goddard died at her post, a woman of this nation serving under the flag of this nation in a far-off land. As those before her did and others who follow will do, she died for the greatest cause on earth, the protection and advancement of human rights for all humans. All humans are human; not one of us is more human than the other and not one of us counts more than the other.

May she rest in peace.

DONATING BLOOD

Hon. Ethel Cochrane: Honourable senators, I rise to underscore the importance of donating blood, and to encourage all senators and staff who can to make a donation tomorrow when the Canadian Blood Services brings their blood donor clinic to Parliament Hill.

Some of you may be asking yourselves, what difference will it make if I visit tomorrow's clinic? By simply making one blood donation, you can help to save up to three lives. Your donation can make a very big difference indeed. Blood and blood products are needed for recipients of heart bypass surgery, cancer treatment, transplants, car accidents and a range of other procedures. The need for blood in this country is great, and is rising significantly.

• (1345)

Consider for a moment that the number of transplants in Canada has increased from 16 per 1 million Canadians in 1981 to 59 per 1 million at the start of the new millennium. This figure includes kidney, liver, pancreas, heart, lung, and bowel transplants. Each of these procedures is lengthy and large amounts of blood are needed to ensure their success.

However, the fact is that less than 4 per cent of the eligible population in Canada actually donate blood. To be eligible to donate you must bring along identification and be at least 17 years of age, and we senators have no problem there. You must weigh a minimum of 110 pounds, be in general good health, and be feeling well on donation day. At the clinic, Canadian Blood Services staff will further screen you to determine your eligibility to safely donate to the national blood supply. If concern about your iron levels is holding you back from donating, you should know that they will test your hemoglobin at the clinic and will not accept a donation if your iron level is low. You will also answer a series of questions about any medication you might be taking, about dental treatment in the last 24-72 hours, and so forth. I encourage all honourable senators and staff to call 1-888-2-DONATE to make an appointment for tomorrow's clinic or to find out more about donating and future clinics.

Honourable senators, it takes less than one hour to donate blood. The gift of a blood donation directly helps to save the lives of others. I hope to see you there, in Room 200 West Block, tomorrow beginning at 8:30 a.m.

AMERICAN STUDENT INTERNS

Hon. Joseph Day: Honourable senators, for the past several weeks Canadian parliamentarians have had the opportunity to introduce American student interns to our form of democratic government.

This year, students from nine American universities and five of the United States of America have chosen to broaden their knowledge of international policy development through a six-week program here in Ottawa.

The students were given the option to work for a specific political party in the offices of Members of the House of Commons and the Senate. A few students interested in the role of democracy and the media have been working with the Canadian Parliamentary Affairs Channel. Students are given the opportunity to gain hands-on experience doing research, answering constituency letters, preparing materials to be sent to members' ridings, attending committee meetings, writing speeches and attending receptions.

Each year, approximately 30 students are chosen to participate in the program to familiarize themselves with Canadian policy and history. The program was established in 1983 by Professor Helen Graves from the University of Michigan, and was later adopted and continued by Dr. James Baker. Dr. Baker continues to encourage students to take advantage of the vast cultural and historic activities that Ottawa and Canada have to offer.

The students are housed at the University of Ottawa, which allows them to be close to Parliament Hill and within reach of all the activities that Ottawa provides to its visitors.

As part of the program activities this year, students visited the Quebec National Assembly and spoke to the Speaker of the House of Commons, the Honourable Peter Milliken. They visited the U.S. Embassy to speak to career diplomats and met with the Usher of the Black Rod. They met with the Speaker of the Senate, the Honourable Noël A. Kinsella and with the U.S. Ambassador to Canada, David Wilkins. As honourable senators have probably gathered, these interns have been very busy over the past several weeks.

The experiences that these students have shared together with new friends in and out of the office will be lifelong memories. Although six weeks goes by all too fast, and soon they will be returning to their homes and universities in the United States, they will return as new ambassadors for Canada and this wonderful institution.

• (1350)

Honourable senators, my office has had the privilege of hosting Sarah Robb, a student at the University of Indiana, specializing in international studies. She has contributed greatly to my office over the past several weeks, and we will be sad to see her leave. Indeed, she has helped to prepare this statement that I am giving today. We thank the students for their interest in Canada, and we wish them well in their future studies.

[*Translation*]

WOMEN'S INSTITUTES OF NOVA SCOTIA

Hon. Madeleine Plamondon: Honourable senators, I would like to draw to your attention the Women's Institutes of Nova Scotia, a group that is doing excellent work on water quality. Recently, I met with two of the group's representatives, Ruth Blenkhorn and Ellen Simpson, to discuss the results of a very important project, Rural Water Quality.

[*English*]

We know that most Canadians do not associate our country with water scarcity problems, but our resources are becoming polluted, and when the water is contaminated, it is unavailable for human consumption.

In the cities, we rely on municipal water treatment systems and qualified operators to provide us with drinkable water, but in rural areas, the owner of the well has the responsibility to have the water tested.

In Nova Scotia, 46 per cent of the 940,000 people depend on groundwater from wells for their drinking water. The Women's Institute of Nova Scotia has organized workshops, visited 75 homes in three counties and had their water tested free of charge. They also conducted public information sessions.

Thirty-three per cent of wells tested positive for coliforms, 4 per cent nitrates and 3 per cent for E.coli. Forty-nine per cent had their water retested but similar problems of high levels of iron, nitrates, coliforms and E.coli were found.

We have to remember that even if 20 per cent of the world's fresh water is in Canada, only 9 per cent is usable. This group's relevant recommendations include ongoing public education programs and water quality projects for students at all levels of education. WINS recommends the reduction of water quality testing fees for low-income families and encourages governments to assist and encourage homeowners to update old septic systems.

[*Translation*]

As this is Environment Week, I am very pleased to congratulate the Women's Institutes of Nova Scotia for their excellent work. Without access to good-quality water, we cannot have a healthy environment.

[*English*]

THE HONOURABLE CLAUDETTE TARDIF

CONGRATULATIONS ON RECEIVING HONORARY DOCTORAL DEGREE

Hon. Yoine Goldstein: Honourable senators, last week, I had occasion to indicate that when one of our members is honoured, it does honour to each of us and to this institution. Today, I have the pleasure of indicating to you that Senator Tardif is not here this afternoon because she is being awarded an honorary doctorate at the University of Ottawa.

Hon. Senators: Hear, hear!

Senator Goldstein: Senator Tardif has long been recognized as one of Canada's foremost advocates and defenders of minority linguistic and cultural rights and for her very considerable contribution to secondary and post-secondary education.

Before entering public life, she attained her own Ph.D, and then worked in higher education, first as a professor, and then as Dean of the Faculté Saint-Jean, as well as a number of other positions within the University of Alberta. Dr. Tardif is a tireless advocate for the francophone community in Alberta and elsewhere. She has published in numerous publications. She focuses on immersion education and the role of francophone schooling in the development of a cultural identity in a minority environment.

Honourable senators, please join me in congratulating Senator Tardif.

Hon. Senators: Hear, hear!

• (1355)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Congresswoman Louise M. Slaughter, member of the United States House of Representatives for the 28th District of New York.

On behalf of all honourable senators, Congresswoman, welcome to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton, Chair of the Committee of Selection, presented the following report:

Wednesday, June 7, 2006

The Committee of Selection has the honour to present its

THIRD REPORT

Pursuant to Rule 85(1)(b) of the Rules of the Senate, your Committee submits herewith the list of Senators nominated by it to serve on the following committee:

STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Comeau, Cook, Downe, Furey, Jaffer, Kenny, Kinsella, Massicotte, Nolin, Phalen, Poulin, Prud'homme, P.C., Robichaud, P.C., Stollery and Stratton.

Pursuant to Rule 87, the Honourable Senator Hays (or Fraser) and the Honourable Senator LeBreton, P.C. (or Comeau) are members ex officio of each select committee.

Respectfully submitted,

TERRY STRATTON
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Stratton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE SENATE

MEMBERSHIP OF STANDING SENATE COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Hays:

That pursuant to Rule 85(2.1) of the *Rules of the Senate* the membership of the Standing Senate Committee on Conflict of Interest for Senators is follows:

The Honourable Senators: Andreychuk, Angus, Carstairs, P.C., Joyal, P.C., and Robichaud, P.C.

Pursuant to Rule 85(2.1) the motion was deemed adopted.

• (1400)

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

NOTICE OF INQUIRY

Hon. Marilyn Trenholme Counsell: Honourable senators, I give notice that in two days hence:

I shall call the attention of the Senate to concerns regarding the agreements in principle signed by the Government of Canada and the provincial governments between April 29, 2005 and November 25, 2005, entitled, "Moving Forward on Early Learning and Child Care," as well as the funding agreements with Ontario, Manitoba and Quebec, and the agreements in principle prepared for Yukon, Northwest Territories and Nunavut.

[*Translation*]

ACCESS TO DRINKABLE WATER

NOTICE OF INQUIRY

Hon. Madeleine Plamondon: Honourable senators, I give notice that two days hence:

I shall call the attention of the Senate to the importance of recognizing access to drinking water as a fundamental human right.

QUESTION PERIOD

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate. Millions of Canadians consider this issue to be of vital importance. I would like to know the government's position on the ratification of the Kyoto Protocol.

During its annual conference, which was held in Montreal last Saturday, the Federation of Canadian Municipalities, which represents 1,400 municipal leaders from across Canada, adopted a policy statement supporting ratification of the Kyoto Protocol.

I will quote a passage:

[*English*]

"Municipal governments commit themselves ... to implementing policies and operational changes that will achieve a global reduction in greenhouse gas emissions of 30 per cent by 2020 and 80 per cent by 2050, based on 1990 levels," the statement says.

[*Translation*]

These targets significantly exceed the targets set and accepted by Canada as a signatory to the Kyoto Protocol. The current government considers these targets unattainable.

Furthermore, last Monday, Premier Charest indicated that Kyoto is our best option and that it is extremely important that Canada set an example on the international stage if it hopes to influence its southern neighbours and emerging major powers like China and Brazil.

I would add that the United Kingdom, a major advocate of Kyoto, is setting targets that go well beyond those proposed by Kyoto. Last weekend, 238 municipal mayors from around the United States, representing some 44.5 million people, expressed their support for Kyoto's main principles and targets.

Today we read in Canada's French-language press that some 30 reputable economists from Canada's top universities are saying that Mr. Harper's plan, the plan endorsed by the Leader of the Government's party, is a mistake both environmentally and economically. They say that Canada is on the wrong track and that it will damage its economy considerably by considering the idea of a made-in-Canada plan that falls short of the legal requirements of the Kyoto Protocol.

In light of the consensus in Canada of an informed public and professional opinion, is the minister willing to urge her cabinet colleagues to reconsider their position on Kyoto and to take a leadership role within the UN Council on the environment?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Fox for his question.

The federal government joins with the Canadian municipalities, the provinces and territories in wanting to see a reduction in greenhouse gases, instead of continuing the previous government's pattern of inaction, as I mentioned yesterday.

• (1405)

We will continue to work with them, along with industry and environmental groups, to create a comprehensive made-in-Canada plan that we will bring forward in the fall. When that plan comes forward, most environmentalists and people who are watching this bill will be pleased.

As I have said before, we have worked constructively with the global community on this issue, especially in recent weeks. Minister Rona Ambrose and her officials are to be commended for gaining international support as we look towards the post-2012 period.

Yesterday, honourable senators, witnesses appeared before the Standing Committee on Natural Resources in the other place. They expressed support for a climate change program containing realistic targets and support for new technologies. That is just what our new government has stated is needed. The Energy Dialogue Group, an alliance of 19 energy associations, said that the previous government's climate change plans must be reworked to meet the Kyoto targets. They said the only way of reaching the targets would be through spending billions of taxpayers' dollars on foreign emission credits. The chair of the group, Hans Konow, said, "We would prefer to invest in technology development that we could then deploy as a means of complying with some climate change regime." It is clear from these comments, honourable senators, that there are groups within Canada that want to work with the new government to ensure our country has an effective and realistic approach to reducing greenhouse gas emissions.

[Senator Fox]

[*Translation*]

Senator Fox: Honourable senators, if the government continues to reduce credits to provinces for their efforts to reduce greenhouse gas emissions — I am thinking of the $382 million intended for the Government of Quebec — obviously we will not reach the objectives in question. Of course, we could quote a litany of individuals who support the government's position, as the minister just did.

Nevertheless, I am asking the minister if her government is prepared to sit down with the 30 economists, none of whom could be described as a *Quidam*, the nameless individual of Cirque du Soleil fame. All are leading economists at Canadian universities. We cannot just casually set aside their views. In addition, the mayors of Canada's municipalities have something to say about this matter.

Is the government willing to consult these 30 economists and the Federation of Canadian Municipalities to come to a better understanding of their position? Will the government exercise international leadership as proposed by Premier Charest and the Deputy Prime Minister of the United Kingdom?

[*English*]

Senator LeBreton: Honourable senators, I do not think anyone could possibly say that we are in any way diminishing or wishing to swipe aside any plan going forward. I am confident that Minister Ambrose will meet with any group that wants to advance proposals toward a reasonable goal of made-in-Canada solutions. As I mentioned earlier, in Bonn, all developing nations have acknowledged Canada's honesty in saying that it was impossible to reach the targets of Kyoto. The previous government proved that.

I can say with great certainty that Minister Ambrose is not ruling out meeting and speaking with anyone as she works towards presenting Canadians with the new government's plans for this important file.

KYOTO PROTOCOL—GOVERNMENT POLICY—NOMENCLATURE

Hon. Tommy Banks: Honourable senators, my question is also to the Leader of the Government in the Senate and is also about the environment.

The leader has done it again. I am going to ask the leader to consider, and to take to the government a request to straighten out, a syntactical inexactitude to which the government always seems to revert when questions of climate change and emissions arise, the one she used just a moment ago "made-in-Canada." Will the leader observe the nicety and ask her colleagues in government to observe the nicety of not referring to the solution as "made-in-Canada."

• (1410)

Is there any commitment that Canada made under Kyoto that was not designed, set out and agreed to in Canada by Canadians?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

As I have said on many occasions, the desires and the targets set by the Kyoto agreement, while admirable, and while no one would question the good intentions of the signatories, are simply not reachable. The previous government proved how unreachable those targets were. Ordinary Canadians may not realize that in order to meet the targets set out in Kyoto right now we would have to shut down every car, truck, train, lawn mower — every moving vehicle in this country.

Minister Ambrose and the government will work at this serious issue. The proposals they put forward to deal with this worldwide problem will be made in Canada and the solutions will be made in Canada.

Senator Banks: I thank the leader for her response but, with respect, she did not answer my question specifically about using the language "made-in-Canada", which infers that something else was not.

Another rock behind which the government seems to hide when this question comes up is the subject of clean air. Kyoto does not have anything to do with clean air in the normal sense in which those words are understood. Kyoto has to do with one thing: The reduction of greenhouse gases, the most prevalent of which is CO_2. CO_2 is not dirty. CO_2 is not susceptible of being cleaned. Clean air does not have anything to do with CO_2. Clean air, as it is understood by anyone who has even a grazing understanding of the subject, has to do with removal from the air of things like volatile, organic compounds and particulates of various kinds; sulphur that has been successfully removed from the air so that we do not have sulphuric acid running down into our lakes any more; and mercury and other elements that need to be cleaned from the air. The connection between clean air, on one hand, and Kyoto climate change and greenhouse gas emissions, on the other, is a long-stick and tenuous connection.

In the same sense that I ask the Leader of the Government in the Senate to consider not using the term "made-in-Canada," I ask that she stop using the term "clean air" when referring to removal of greenhouse gas emissions, because it is not correct. The term is misleading. I do not know whether it derives from confusion, but in any case it is leading to confusion. Would she undertake not to use those phrases?

Senator LeBreton: I cannot undertake not to use such terms because I answer questions as they are put to me. I will try my best not to confuse the issue.

It is clear to everyone, including the witnesses who appeared before the committee of the other place yesterday, that we do need a new approach to climate change, one that is effective and realistic and, as I have said, made in Canada and made for Canadians.

The government is very much seized of this issue. Minister Rona Ambrose is meeting with various stakeholders, not only in Canada, but also internationally. In the fall we will be presenting to Parliament and to the Canadian public our own plans in regard to the issue of climate change.

• (1415)

AGRICULTURE AND AGRI-FOOD

FARM INCOME—SUPPORT PROGRAMS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I would like to return to a question on agriculture.

I thank the Leader of the Government for the delayed answer I received last week on programs designed to assist the Canadian farm sector, namely the enhanced Spring Credit Advance Program. That is now Bill C-15, to which I believe we will give expeditious legislative treatment. There is also the Grain and Oilseed Payments Program, the CAIS Inventory Transition Initiative and the Cover Crop Protection Program.

In summary, the response indicates that virtually all of the new money in the budget is or will be disbursed under these programs and, to quote from the delayed answer, "as quickly as possible."

I return to the subject because last week we received additional information on farm income and I feel it is important to have this alarming information on the record.

The numbers in the Statistics Canada reports demonstrate the critical problems our farmers face and indicate that farmers have extremely low levels of farm income. The report indicates that realized net income declined by 7.7 per cent in 2005, on top of a decline of 8 per cent in 2004.

In Alberta alone, realized net income dropped by one half of its previous year's level, some of which is explained by increasing inventories but most of which is explained by increased costs. In Manitoba, realized net income declined by 40 per cent.

We have a situation of increasing costs in inputs for farmers and declining income. To put it in a dramatic way, net farm income in 2004 was $4.06 billion and in 2005 it was $2.61 billion. The Canadian Federation of Agriculture, you will know from preambles to previous question, was looking for $2 billion. The government did find $1 billion. It is not clear how much is needed in particular, as the situation continues to deteriorate.

My first question is along the lines of the delayed answer, which indicates programs will be developed as quickly as possible. Could the Leader of the Government update us on what that means in terms of when these programs will actually be developed?

Hon. Marjory LeBreton (Leader of the Government): Thank you very much for that, Senator Hays. That was a very long question.

I was pleased by the quick response from Agriculture and Agri-Food Canada and Minister Strahl to the honourable senator's original question.

I do not have a timetable. I would be happy to submit this question as I did the others, and ask the minister and the department if they could specifically outline a timetable for these payments.

Senator Hays: It is a long question, but it is a very serious problem. I notice that some of my rural friends have left the room. Perhaps I have not been dramatic enough in highlighting the seriousness of this problem.

The second question I would like to put is as follows: In the 1980s, when we had a similar disaster — and I notice Senator Gustafson has not left — the then government of Brian Mulroney developed programs which were based on gross income. The programs that are in place now, one of which the government has shown a preference to do away with, namely CAIS, are based on net farm income.

Could the minister advise us if the government recognizes that addressing only net farm income will not help the people who are in such serious problems and that something needs to be done based on gross farm income?

• (1420)

Senator LeBreton: I well remember because Senator Gustafson was one of the people on behalf of agriculture who was putting a significant amount of pressure on then Prime Minister Brian Mulroney.

As honourable senators will know, there have been many changes to the CAIS Program, and the first priority for the Minister of Agriculture was to get money into farmers' hands for the spring planting season.

I will take the question with regard to net or gross income to the Minister of Agriculture and bring forth a delayed response.

Senator Hays: Honourable senators, again, in the 1980s, there were other companion programs that accompanied the Gross Revenue Insurance Program, or GRIP, which is the one I am referring to, namely, the Farm Debt Review Board program and the Canadian Rural Transition Program. They were, unfortunately, an indication of failure in terms of addressing in a successful way the farm income crisis, but they were useful in terms of farmers who had gradually gone deeper into debt, faced serious problems, needed help to address that debt and, in the case of rural transition, went through the transition out of agriculture. Is that also under consideration?

Senator LeBreton: As the honourable senator knows, representing the West as he does, there have been many discussions about diversification, and programs that were in place in the 1980s do not address concerns facing farmers today.

Agriculture is a serious issue all over the country, but there are some parts that are more affected than others. I will certainly pass the honourable senator's specific question to the Minister of Agriculture.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS AGREEMENT ON ABORIGINAL ISSUES

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. How can one government sign something like the Kelowna accord with the Aboriginal people, and then another government steps in and says, "Our signature, our written word, is not our bond"?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Minister Prentice made this very clear. He was at Kelowna and he participated in all of the meetings. At the end of the day, no Kelowna agreement was signed. There was a document put out with various sums of money allocated to various potential areas. There was no agreement. Minister Prentice supports the overall intent of Kelowna, but there were no agreements. There was no fiscal framework.

Senator Munson: Why did everyone sign on, then?

Senator LeBreton: I do not think a member of the opposition should be giving us any lessons in regard to governments signing contracts and then breaking them. I need only refer the honourable senator to the helicopter contracts and the Pearson Airport.

• (1425)

Senator Munson: We were talking about Canada's first people and the Minister of Indian Affairs said that this was just a piece of paper. To those of us who were witnesses to all of this, this was more than just a piece of paper.

A report released yesterday by the Canadian Centre for Justice Statistics points to the dire straits of our First Nations people. In an article from Sue Bailey for Canadian Press, she refers to the report and states:

> Native people were twice as likely to be repeat victims, three times as likely to be robbed, assaulted or raped, and three and a half times more likely to be attacked by their spouse.

Ms. Bailey later wrote that:

> Young native people have a greater chance of landing behind bars than graduating from university.

It is my belief that this situation must be addressed urgently. The Kelowna accord seemed to have the endorsement of everyone in this country: Premiers loved it, territorial leaders loved it and native councils loved it. There were specific targets and the government gave its solemn word.

From our perspective, it seems that the present Prime Minister has decided to scrap this accord because his predecessor called it his greatest achievement. My question to the Leader of the Government in the Senate is will the current Prime Minister take a serious look again and adopt the Kelowna accord?

Senator LeBreton: First, there was neither an agreement nor a fiscal framework. Minister Prentice is probably the best-equipped because he truly understands the issues. He is very sympathetic and desirous of dealing with the serious issues that face our First Nations peoples.

During the western premiers' meetings, in Gimli, on May 29 in a news conference, Premier Gary Doer indicated that any new federal government should have the right to do some more

constructive priority setting in the area if that is their preference. Premier Doer also offered a reminder at the same news conference that previous government did not put the Kelowna money into a fiscal framework and Premier Doer did not want to be unfair to the new government as a result of that. Premier Doer felt that the new government should have a chance to come to the premiers.

In the budget that Minister Flaherty introduced, and that we will begin working on in this place today, serious money was included to address issues of concern, including clean water, for some of our native communities.

Senator Munson: Minister Prentice's uncle, Dean Prentice, was a great hockey player, but I do not know how much of a stick handler the minister is on this issue. I wish him well.

Senator LeBreton: It is true that Minister Prentice is related to Dean Prentice; I believe he was his uncle. People, no matter what their political stripe, would acknowledge that in the person of Jim Prentice we have a very knowledgeable and hardworking minister. From what I have observed so far, from various meetings, he is seized of this issue and he perceives this as a very serious subject. With regard to the previous government, they were in power for 13 years and I did not see any great improvement, until the very last moment, with this so-called accord.

• (1430)

Hon. Joan Fraser (Deputy Leader of the Opposition): Forgive me, I am a little confused. The Leader of the Government says the Kelowna agreement was not an agreement. I think the leader is saying it was not an agreement even though it was negotiated among all the governments and the native peoples, because the details to implement it had not been written down and legislated yet. I think that is what I hear Senator LeBreton saying.

On the other hand, with the softwood lumber deal, Senator LeBreton tells us that the three-page document is the agreement; and the other stuff, the pages and pages of detail designed to implement it, is not the agreement. I do not understand. Can the leader explain this difference?

Senator LeBreton: Honourable senators, I am going by what Minister Jim Prentice has said publicly. He was at Kelowna.

There is no question there was a lot of goodwill. There were meetings with the provinces, and the Aboriginal leaders came together in an agreement. However, the problem was at the end of the conference. A press release was put out with certain sums of money allocated to various subjects but with no agreement as to where the money was to go. We had provinces thinking they were getting it; and we had Aboriginal leaders thinking they were getting it. For this reason, there was no Kelowna accord. Even people in the honourable senator's own government acknowledged that there was no actual signed accord with a fiscal framework attached to it.

With regard to the softwood lumber issue, there was an agreement. As I understand, yesterday Minister David Emerson appeared before the Standing Senate Committee on Agriculture and Forestry. He apparently presented the details of the negotiations and what the final agreements look like, which were well received by members on all sides of the chamber.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I would like to draw your attention to the presence in the gallery of His Excellency, Ambassador Dugerjav Gotov of Mongolia, accompanied by First Councillor Halioon. They are also joined by a distinguished member of the bar of New Brunswick, David Lutz, who is well known to all New Brunswickers in the Senate. On behalf of all honourable senators, welcome to the Senate of Canada.

Hon. senators: Hear, hear.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: While I am on my feet, I would like to advise that today we have a page from the House of Commons with us. Her name is Kathleen Stokes of Victoria, British Columbia. She is pursuing her studies at the Faculty of Arts at the University of Ottawa, where she is majoring in history.

ORDERS OF THE DAY

BUDGET IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

He said: Honourable senators, I am honoured and very pleased to propose second reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament by the Honourable James Flaherty, Minister of Finance, on May 2 this year.

I do so in an atmosphere wherein we and all Canadians are sobered and shocked by the revelations coming out following the arrests last Friday and over the weekend of a gang of alleged terrorists.

Bill C-13 is designed to implement the fiscal and financial measures proposed in the new government's first budget. It focuses on the Harper government's five core priorities, and tangibly demonstrates how this government intends to make fundamental changes in the way we operate government and do business in Ottawa. Generally, the government intends to turn a new leaf for Canadians.

Bill C-13 contains good news for Canadians in all regions of our great nation.

The Hon. the Speaker: Order. Does the honourable senator have a BlackBerry?

Senator Joyal, do you wish to speak on a point of order?

Hon. Serge Joyal: I apologize to the honourable senators but I draw to their attention that the Speaker has made a ruling on the use of BlackBerries. Can the Speaker repeat what he said in the ruling for the benefit of all the senators so they will implement the nature and letter of the ruling?

The Hon. the Speaker: I thank the Honourable Senator Joyal for raising that. We have attempted to make it perfectly clear that BlackBerries interfere with our system. In fact, the rule is clear; no electrical devices are permitted in this chamber.

We have a ruling on that; it is a source of disorder. We are attempting to be gentle in this matter but it clearly interferes with the good conduct of our business in the house. I appeal once again to the goodwill of all honourable senators.

All honourable senators have the responsibility for this house and the good order in the house. The chair will do its part, so I appeal that the ruling that was made, and supplementary material that accompanied that ruling be taken to heart. When you are on airplanes, you have to turn them off. Surely we can do at least that much in this high chamber of Canada.

Some Hon. Senators: Hear, hear!

Senator Angus: Honourable senators, Bill C-13 is good legislation and already appears to have a charmed life of its own, given the way it received unanimous consent in the House of Commons yesterday and received third reading in the other place without a single negative vote.

Honourable senators, it is clear that the penny has dropped.

Honourable senators, I believe it to be in all of our interests, as well as those of all Canadians, that we senators ensure safe and swift passage of Bill C-13 through the Senate by no later than June 23 — of course, with similar unanimous consent, but after the customary review and appropriate sober second thought by all members of this chamber.

Lest there be any doubt, honourable senators, I respectfully submit that in the case of Bill C-13, our traditional role and duty is to deal with the legislation efficiently, effectively and in good time so Canadians will be able to receive and benefit from the taxation and related socio-economic policy initiatives set forth in the government's Budget 2006, the key elements of which Bill C-13 proposes to implement.

From a policy point of view — and whether some senators may or may not like it, honourable senators — this bill cries out for speedy passage through the Senate. Budget 2006 is a simple and straightforward piece of work, generated by a government that is committed to doing exactly what it says it will do — and what it said it would do during the recent election campaign that led to the formation of Prime Minister Harper's new government.

The reality is that it is a no-nonsense, focused effort that contains no surprises. To me, this is the most refreshing element of Budget 2006. Honourable senators, I am reliably informed by various colleagues, including the Leader of the Opposition in the Senate that the tradition in this place in cases where governments of the day are substantially outnumbered by the opposition in the Senate, is to review and implement, not to take the risk and try to change or amend a government's budget legislation.

• (1440)

In my view, honourable senators, this is a noble tradition that senators have honoured time and again with past budgets, some 10 or 11 times when opposition senators outnumbered those representing the government.

Bill C-13 is a money bill seeking appropriation of public revenue in the true classical sense of the term. I believe strongly that it is up to us, honourable senators, to approve and adopt it as drafted.

From a strictly technical and legislative point of view, honourable senators, Bill C-13 is complex and lengthy, being some 186 pages long. Each and every word has a special meaning, and the provisions have been carefully crafted together by the government's legislative drafting specialists. Changing words and phrases here and there, even in a seemingly minor way, could have far-reaching consequences that could change or alter substantially the intention and/or effect of the proposed legislation.

The fact is, honourable senators, and it needs to be repeated: Canada's tax laws have evolved over the past 30 years into a nightmarish web of intricate, interrelated and intertwined verbiage that even the highly trained and skilled fiscal experts in the legal and accounting professions are challenged and hard pressed to decipher, understand and explain. Even the documents that ordinary Canadians must go through simply to prepare and file their annual personal income tax returns now fall into this category.

Honourable senators, Canada's fiscal laws are in urgent need of overhaul, updating and reform. We have not had meaningful and comprehensive tax reform in this country since the days of Walter Gordon and Kenneth Carter.

Bill C-13 makes the point clearly. It contains 13 separate parts or sections, each one dealing with a totally different subject matter. I believe that this government understands the problem and is ready and able to take the necessary action.

Finance Minister Flaherty repeated several times in his budget speech that Canadians are overtaxed and that far-reaching changes are urgently needed in this domain.

Minister Flaherty reiterated the plea frequently before and after tabling this government's first budget on May 2, 2006. Frankly, honourable senators, I find it difficult to disagree with the minister. The hard and clear evidence is that Canadians at large are overtaxed and burdened with fiscal red tape to a totally unacceptable degree. Hardworking ordinary Canadians, our entrepreneurs and our businesses large and small are being punished and are at a competitive and lifestyle disadvantage vis-à-vis our neighbours to the south and the individuals and corporate citizens of our allies and trading partners around the world. The social and economic consequences and impacts are important, and, I suspect, might be much worse than we realize. It is time for a major change in the way that we generate taxation revenues in Canada.

Honourable senators, it is time to turn a new leaf in the fiscal domain, and I suggest that with Budget 2006 the new government has made a good start, albeit only in a preliminary way. The good news is that this government clearly recognizes the problem, has declared its intention to address it head-on and has taken some specific action, as per its election and policy platform promises, to alleviate onerous tax and other socio-economic burdens that Canadians today are forced to endure.

What do I mean by a good start? Honourable senators, how about making Canada's federal budget framework more transparent and limiting the growth of spending?

How about creating opportunities for Canadians by reducing the goods and services tax by one percentage point effectively July 1, 2006, and reducing personal and business tax burdens up to $20 billion over just two years?

How about investing in Canadian families and communities by introducing Canada's universal child care plan, tax relief for pensioners and investments in public infrastructure?

How about the government making a good start by providing more security and protection for Canadians in this troubled and unsettled world by hiring more police officers and securing safer and more open borders? How about better preparing for emergencies, bolstering defence, and taking measures generally to strengthen Canada's role in the world?

How about moving to restore fiscal balance in Canada by developing patient wait time guarantees and by addressing other concerns about fiscal imbalance based on fundamental principles that all Canadians can and, by all evidence and reports, do support?

These, honourable senators, are the five initial core arguments — the commitments that this government made to Canadians for building a better Canada, and Bill C-13 is but one of the ways by which the government is delivering on promises in this regard. As Prime Minister Harper says, these measures represent promises made and promises kept.

Yes, honourable senators, there is much more to be done but this government's Budget 2006 and Bill C-13, before the house today, represent a clear, concrete and no-nonsense good start. Minister Flaherty stated when delivering his budget speech on May 2:

> This budget is balanced, our spending is focused and taxes will go down for all Canadians. There is more tax relief in this one Budget than in the last four federal Budgets combined. The Budget also delivers twice as much tax relief as new spending. For every new tax dollar we spend, this government is returning two tax dollars to hard-working Canadians.

Honourable senators, in those parts of Budget 2006 to be implemented by Bill C-13, there are 29 separate and particular taxation reductions. This bill delivers on the government's commitment to cut the GST by one percentage point down to 6 per cent effective July 1, 2006. This GST cut will benefit all Canadians by close to $9 billion over two years from that one reduction, even those who do not earn enough money to pay personal income tax. Very importantly, to provide relief to low and modest income Canadians, the budget keeps GST credit at current levels, even though the GST is being cut.

That is not all. Bill C-13 also proposes a comprehensive plan to reduce personal income taxes for all taxpayers, starting with an increase in the basic personal exemption, which is the amount that an individual can earn without paying any tax. The government says that it wants to ensure that this amount grows each year and remains above the currently legislated levels into 2006, 2007 and beyond.

In concert with the plan, Bill C-13 also proposes to reduce the lowest personal income tax rate from 16 per cent to 15.5 per cent effective January 1, 2006. It also confirms that the rate will be 15 per cent from January 1, 2005, to June 30, 2006. Together, these measures will provide personal income tax relief of almost $2.8 billion in this coming fiscal year, 2006-07, and a further $1.9 billion in 2007-08. This is exciting stuff, honourable senators, that sends shivers up my spine.

Honourable senators, it is important to remember that working Canadians are the foundation of Canada's economic growth. However, choosing to work also means additional costs for everything from uniforms, to safety gear, to home computers and various other supplies. In recognition of these costs Budget 2006 has introduced the Canada employment credit. This is a new employment expense tax credit for employees' work expenses. This credit will increase the amount of net income that working Canadians can earn without paying federal income tax to almost $10,000 by 2007.

Taken together these measures will deliver almost $20 billion in tax relief for Canadians over the next two years. It is incredible. As a result, about 655,000 low- income Canadians, or two-thirds of one million Canadians, will be removed from the tax roles.

Budget 2006 brings tax relief that Prime Minister Harper promised to Canadians operating businesses. In fact, the same promises were made by the former Liberal government, but they were never delivered upon. The new measures will enable Canada's businesses to go into a fair fight with their commercial competitors.

• (1450)

Bill C-13 proposes a significant business tax relief plan that will reduce the general corporate income tax rate from 21 per cent to 19 per cent by January 1, 2010. The bill also proposes to eliminate the corporate surtax for all corporations in 2008 and to eliminate the federal capital tax as of January 1, 2006.

Honourable senators, the new tax measures are clear and in some notable areas implement, once and for all, in a decisive and bold way, initiatives that former Liberal governments refused or failed to deal with effectively.

I respectfully cite the following two simple and straightforward examples. First, this budget removes immediately the excise tax on jewellery and related products like clocks and watches. Efforts

in this regard by the Martin government were clumsy and ham-handed, and they left an entire industry abjectly disappointed and with sadly dashed hopes after having raised their expectations with promises that were never properly fulfilled.

As Prime Minister Harper says in this case: Promises made, promises broken.

My second example is encouraging increased charitable giving by Canadians in a very substantial way by completing the job started tentatively and timidly by the Chrétien government several years ago. Budget 2006 and Bill C-13 effectively remove the capital gains tax on the appreciated value of listed securities being donated to registered charities such as cultural, health and educational organizations in Canada.

In like manner, the capital gains tax on environmentally sensitive lands donated to worthy charities dedicated to protecting our environment, such as Ducks Unlimited, has also been removed. The results of these changes in the charitable giving area are already evident in a huge way. Some $100 million of gifts have been announced in the last few days, and we understand that many more huge charitable gifts are in the pipeline awaiting unanimous passage of Bill C-13 without amendment.

In terms of the safety and security of Canadians, we have collectively been stunned by the wake-up call visited upon all Canadians by the arrests of 17 alleged terrorists in and around Toronto last Friday and over this past weekend and by the revelations made subsequently in the context of the arraignment in court and the declarations of the defence counsel of the accused suspects on Monday and yesterday.

However, the good news is that the government of Prime Minister Stephen Harper is acutely aware of and ready to face up to the dangers that threaten our freedom and our open way of life which we so value. That is why the government has a new law and order agenda and that is why it is committed to supporting our police forces and our public safety organizations as well as our brave members of the military. That is why, honourable senators, the government has made a series of initial but tangible steps in Budget 2006 to demonstrate its determination in the areas of national safety and security.

New financial support measures introduced in the budget, and which are contained in Bill C-13, include, first, $1.125 billion for the Canadian Forces for the hiring of more troops, purchasing of necessary equipment, paying for improved base infrastructure and Arctic sovereignty, and restoring a regular army presence in British Columbia; second, $214 million to the RCMP for hiring new recruits and expanding their training depot; third, $20 million for youth crime prevention; fourth, $15 million for the DNA data bank; fifth, $26 million for victims of crime; sixth, $38 million for emergency response programs; seventh, $95 million for passenger rail and urban transit security; eighth, $133 million to the Canadian Air Transport Security Authority; ninth, $404 million over two years for various programs to enhance border security, national emergency response, a no-fly list and arming border guards; and tenth, $460 million over two years for preparing for a pandemic such as avian flu or SARS.

The budget and Bill C-13 also contain important assistance provisions for Canadian families, including the universal child care benefit for children under six years of age, which will cost $3.7 billion over the next two years. As well, the budget provides for substantial assistance and funding for Aboriginal Canadians, the reduction of greenhouse gas emissions and protection of our precious natural environment, major investment in a wide variety of needed infrastructure projects, agricultural sector support, support for the Canadian Council for the Arts, and one-time extra funding to the provinces in the sum of $255 million for equalization.

Honourable senators, I could go on about Budget 2006 and Bill C-13, and I know you would like me to. The sun is shining brightly, the air is warm and sweet, the birds are singing, beautiful flowers are in bloom, and our magnificent trees are blossoming and bursting into new foliage. Canada's spring is here with all its splendour, and summer is fast approaching. Indeed, the first day of summer is only two weeks away.

I urge honourable senators to celebrate the advent of our Canadian summer 2006 in a constructive and honourable way. Please use the next two weeks to reflect upon this excellent budget implementation bill and then pass it into law, as is, so that we can all get on with our lives and deal with more threatening problems as well as enjoying a fine Canadian summer with our families.

In like manner, this determined new government can then get on with its exciting agenda to improve the lives of all Canadians and to make Canada a safer, more secure and better place in which we can all live happily ever after.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I am amazed that Senator Angus did such a good job of making such heavy material entertaining and interesting. I have a couple of questions.

• (1500)

The government is doing what it promised to do. In effect, it is deferring capital gains tax for capital gains reinvested within six months. Would the honourable senator comment on why that is not in the budget?

My other questions deal with the fiscal imbalance. The accompanying paper on the fiscal imbalance is a very good piece and, while heavy-going, is instructive to those who are curious about what the Prime Minister may have been talking about in addressing the fiscal imbalance although the document does not lead me to an identification of just what it was. We have heard from the premiers, who are not happy for different reasons, whether they will have to pay more if they are a contributing province or receive less if they are not.

Based on his briefing, would the honourable senator comment on what he expects the definition and treatment of fiscal imbalance will be, now that we have the benefit of the O'Brien committee report?

Senator Angus: Senator Hays has raised two very interesting points, and certainly they are ones that concern me. I have raised both of those questions. I cannot say — and I think honourable senators will appreciate this — why something is or is not in the

budget. However, what I can say is that what the government said would be in the budget was there, there were the five core objectives. Minister Flaherty has been clear on the other matters, including the deferred capital gains tax matter with the rollover as described in various speeches. He said that we are addressing this with officials in the Department of Finance and other experts because it is a very complex thing. As I said earlier, when you start changing something that is part of a whole thing, you get a domino effect. As I understand the government's policy, the matter is under close study. We are pursuing the subject at the banking committee and it will hopefully form part of the tax reform I discussed.

In regard to the fiscal imbalance, I do not think anyone would argue with the fact that there is an imbalance amongst the provinces in this country. This is one of the things out of kilter with our federation. This is also a complex problem. I believe the answer to the question is that we have made a start. There has been an initial one-time payment of $225 million to address the problem. There has been a declaration of intent and discussions are underway. The parties are not *ad idem* on any of the issues; it is a complex subject. The government is determined to wrestle the matter to the ground and to bring a greater balance amongst our various partners in the federation.

Hon. Art Eggleton: Senator Angus has described, with great enthusiasm, various provisions that are in the budget bill. I wish to ask about the provisions that are not there. What about nothing for the implementation of the Kelowna understanding? What about nothing for post-secondary education? What about no concern in providing for quality early learning and child-care spaces? The honourable senator spoke about the temperature getting warmer outside. What would the honourable senator say about the subject of climate change? The minister said at the time that he would provide for $2 billion. That money is not in here. The amount was previously $5 billion. He has criticized the previous government for not having met their goal of $5 billion, but somehow, without a climate change policy, he thinks they can do it for $2 billion. What would the honourable senator say about the importance of all of these items from the budget?

Senator Angus: What about them? What is the question?

The government said they would provide in its initial budget, brought in on May 2, soon after it was sworn in, a clear no-nonsense, no-surprises budget. We should be pleased with that.

The other issues the honourable senator has mentioned are important for each and every Canadian. I am happy to be able to confirm that these matters are all being addressed and the honourable senator should be very pleased.

Let us look at the environment. We have had discussion here today. There was such a mess left by the previous government in terms of a plan for Canada for dealing with climate change, for participating in Kyoto and for dealing with the problems of the environment. The situation left by the Honourable Mr. Dion has had to be totally scrapped. I want the honourable senator to know, that when he sees the new outline, it will knock his socks off.

Senator Eggleton: Aside from disagreement on the last concept, I guess while the honourable senator says that these items are important, they are obviously not a priority for the government or they would have been in the budget.

Let me ask about a couple of things that were mentioned by the Minister of Finance. Things such as the urban transit credit and the textbook credit are not in the budget. When does he expect these items will be addressed?

Senator Oliver: Next budget!

Senator Eggleton: Are they coming in a separate bill?

Senator Angus: All I can tell the honourable senator is that all of these matters that are of great interest to all Canadians are being addressed in the most serious way. This government unloads policy implementation one day after another; the Canadian people are applauding. I looked for just one or two good quotes from the newspapers to refer to for my boring speech today and they were unanimous about what a great job this government is doing and how much it is getting done in the little time that it has been in office. Stay tuned, because there is more to come.

Hon. Jerahmiel S. Grafstein: It is with some apprehension, after that mighty, powerful and resounding address, that I raise a scintilla of a question with respect to the Province of Ontario. There is no question that in the Province of Ontario there has not been unanimous approval of this budget. Those are the facts. We hear from the premier of the largest province in Canada, and the Minister of Finance for the Province of Ontario, and both of them have virtually said the same thing. To be fair to Minister Flaherty, he says that this matter required some attention, as the honourable senator has suggested.

Let me be precise about this. As I understood it, Mr. Harper came to the Province of Ontario during the last election and made a series of promises. One that I heard with clarity was the promise to fulfill the commitments that the federal government made to the Province of Ontario with respect to the payment of infrastructure, transit and a number of other issues.

We heard several weeks ago from the Minister of Finance of Ontario, with whom I discussed this, that there appeared to be a disconnection between that promise, which was quite precise and upon which the voters of Ontario relied. He found, to his concern and confusion, that when he looked at the monies that were to be forwarded to the Province of Ontario, there was a disconnection of somewhere between $6 and $8 billion in the current period.

I hope I am not taking it out of context, because this is based on newspaper reports. Minister Flaherty went to the Province of Ontario. Minister Flaherty understands these issues and the finances of the province as well as Minister Duncan. Minister Flaherty said that there was some confusion and the government would try to deal with it in some particular fashion. That appears to be inconsistent with the tenor of debate and the siren song that the honourable senator has enunciated in this chamber that all the promises were kept.

My short question is: Was the promise kept, that Mr. Harper made in Ontario, to fully fund, in accordance with the previous government, the questions of infrastructure, relief and the timing of those payments, because they were quite precise? We now understand that that is not the case.

• (1510)

Senator Angus: Honourable senators, that was indeed the scintilla of a question, and I am tempted to ask the minister to refer the problem to the Standing Senate Committee on Banking, Trade, and Commerce to determine where the disconnect has happened. I have nothing further to say other than I have taken note of the comments.

Hon. Willie Adams: I have a question for my good friend Senator Angus. He mentioned more infrastructure for the military and Arctic sovereignty, but I heard no mention of icebreakers.

A few months ago, the Prime Minister promised some icebreakers in the name of Arctic sovereignty. Five or six years ago, Senator Comeau and I took an icebreaker from Resolute to Coppermine. It was the biggest icebreaker we had, the *Louis St. Laurent*. We got stuck a few times in the permanent ice. If we want to break up the ice, we need to build bigger icebreakers in the future. If we want to assert Arctic sovereignty, we need to ensure that the people from the community are involved. We have been living up there for thousands of years. If we want to have a military infrastructure, the community must be involved.

Senator Angus: I thank the honourable senator for that. We have spent long hours working together to address some of the problems facing us as we move forward to exercise our obvious and clear right of sovereignty in the north. This government has committed the funds to shore up our own sovereignty in the face of climate change and other things evolving in the modern day world. Bill C-13 seeks to have them appropriated for the purposes specifically outlined in the budget. There is a commitment to put the appropriate infrastructure in place so we can have an in situ command of people and resources to do the things necessary to protect our rights of sovereignty where Senator Adams lives. I think Senator Adams would be pleased because colloquially we are referring to it as the "Adams clause" in our policies.

Hon. Joseph A. Day: Honourable senators, in anticipation of Bill C-13 being referred to the Standing Senate Committee on National Finance, I look forward to the honourable senator's participation as the sponsor of the bill and to the honourable senator bringing some levity to a committee which otherwise tends to be somewhat serious in its dealings with these matters.

The honourable senator mentioned the reduction in the GST. Indeed, we look forward to discussing that matter when the matter is referred to committee.

The honourable senator also referred to the fact that the lowest marginal tax rate is to continue for a year at the same rate as the previous rate, 15 per cent. However, the lowest marginal tax rate will be increased by half a percentage point as is provided for in Bill C-13 to make up for the reduction in GST of one point. There is a promise to reduce the GST by another percentage point, to five per cent, sometime in the future. I wonder if the honourable senator can tell us if the marginal tax rate will be increased by another half a percentage point to make up for that reduction.

Senator Angus: As you well know, I am not in a position to tell you about some new policy that the government is evolving. The budget speaks for itself. I am pleased to know that the honourable senator anticipates having something to do with this in his committee. I suggest that the sooner we get it to committee, the better, and the sooner we will be able to return the bill to this place and pass it unanimously so we can enjoy the Canadian summer.

Senator Day: I always appreciate comments with respect to getting things quickly into and out of committee, but I also always hesitate to make that kind of comment to members of the committee. I will let them do the work that is necessary, thoroughly and responsibly. I am sure that in due course they will do so.

Hon. Grant Mitchell: Honourable senators, I have a question on the issue of fiscal imbalance. The honourable senator was quite chuffed about the fact that this budget somehow addresses the question of fiscal imbalance and seemed to say that it was a real issue. That is debatable. There is a real question about whether there is a fiscal imbalance at this time given the fact that the provinces have actually more sources of revenue than the federal government. In addition, the federal government gives about $42 billion a year to the provinces, which they can spend essentially of their own accord.

Is the honourable senator convinced that the Prime Minister will not go back on his promise, which was not to include resource revenues in equalization calculations? Either way, will the honourable senator make the commitment that he will argue against his Prime Minister, in caucus, in this Senate, and wherever it is possible to argue against him, to ensure that the Prime Minister does not include resource revenues or any portion of them in the calculation of equalization? Can the honourable senator give us some idea, if the Prime Minister were to go ahead with including resource revenues in the equalization formula, where the Prime Minister would get the money? Would he increase taxes on all Canadians, or would he reduce current federal expenditures? If so, where would he propose reducing those expenditures to get the billions of dollars that commitment would incur?

Senator Angus: Honourable senators, the Prime Minister is capable of speaking for himself on these matters. He also, as you well know, is clear when he makes these statements. They are not susceptible to being twisted around to elicit new things.

He has made it clear that in his view, and it is a view that I, most Canadians and most economists share, the federation is out of whack. Call it what you will, it is being addressed and studied in the most serious and profound way that this government and its resources can marshal. This study includes the ongoing discussions with the opposite members of the provinces.

The senator knows I cannot give him more than that. I conclude by saying this Prime Minister has a saying that I happen to subscribe to, as do my colleagues here. That is, "Promises made, promises kept," which is a refreshing change from the previous government.

Senator Mitchell: Is the slogan being changed from, "promises made to preferences kept?" That is what he now calls this idea, this promise not to include resource revenues in the calculation of equalization. That was only a preference, so perhaps he will not keep preferences.

You are from Ontario, and you are saying that Canadians generally think this is not — never mind.

Senator Angus: Let me say this: I was born in Toronto, and I was happy to be born there, but was I ever glad to get out of there.

[*Translation*]

I am a very proud Quebecer. I have lived in Quebec for 67 years.

[*English*]

On motion of Senator Eggleton, debate adjourned.

• (1520)

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill S-217, to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Segal*)

He said: Honourable senators, like all of you, I was deeply moved by Senator Angus's comments.

I was reminded of a speech I made once in a church basement not far from this building as I stepped down as the proverbial losing candidate in the riding of Ottawa Centre for the Conservative Party. Mr. Stanfield was present at that event. After I gave an emotional word of farewell to my fellow constituents, friends and supporters, Mr. Stanfield was good enough to come to the microphone and say, "Hughie, I watched the eyes, I listened to the hearts and I took careful note of what transpired in the room and I can report there was not a wet eye in the house."

As Senator Angus spoke about the budgetary provisions for the future, I introduced Bill S-217, a bill that, if passed, would require a new approach by government departments and Crown corporations to submit quarterly financial reports to both Houses of Parliament. The point of such reporting is straightforward.

The current practice of retroactive annual reporting, looking back on government departments' and Crown corporations' accounting, means that parliamentary governance no longer takes place in real time. Rather, financial reporting that occurs only on a government-wide basis, quarterly, or by department, annually, and always retroactively, highlights departmental inadequacies and failures long after remedial action is possible.

Quarterly reporting would enhance trust in the management of public money and the challenge of spending taxpayers' money carefully and effectively. It would mean progress on many fronts. Above all, it would give Parliament real-time financial information with which to discharge its Magna Carta duties, namely to control the expenditures of the Crown before they transpire.

Coincidently, the day after I introduced Bill S-217, seconded by Senator Murray, the Standing Senate Committee on National Finance questioned the Auditor General, Ms. Fraser, on her May 16 status report. I quote from their press release of June 2:

> During the meeting, Committee members raised a range of issues relating to government financial practices.

There was debate on uncollected taxes, accounting errors in reported spending, Public Works' challenges in their choices to buy or lease buildings and changes to government programs and their effects in performance accounting criteria.

As well, and I quote again:

> The long-standing issue of departments moving to accrual accounting was also discussed.

Honourable senators, in the 1970s Canada's Parliament surrendered its pre-control of government expenditures. At that time, the "deemed to be reported" rule was brought in relative to committee consideration of estimates. In plain English, expenditures, the financial estimates of tax dollars, were not actually reviewed and/or approved in any detail from that moment forward. They were "deemed" to be reported, and the actual accounting of these numbers was dealt with at a later date and, by definition, retroactively. Ironically, the Auditor General's mandate in that same period of time was changed to incorporate assessing "value for money." That began across the country, in the provinces and in Ottawa.

Retroactive reporting and assessing operates solely in a judgmental framework. Parliament gave up its right to pre-assess value for money, as the Auditor General took that right upon herself and themselves across Canada. Retroactive reporting and assessing operates solely in a Monday morning judgmental framework. It works well if the only goal is to finger-point and to lay blame, but it does nothing for actual corrective parliamentary action in real time.

Accountability in real time, on an accrual accounting basis with quarterly departmental financial reports, would facilitate Parliament's capacity to act in a corrective fashion within the existing fiscal year. Retroactive accountability is usually mostly about blame and punishment.

In the real world, if an individual, pension fund or company chooses to invest hard-earned dollars in a publicly traded corporation in Canada, they can rely on quarterly reports to assess and monitor a company's performance, at which point an informed choice can be made to withdraw the investment or to allow it to remain, based on the information provided in those reports.

Canadian taxpayers may not have an individual choice regarding their investment in the Crown, since these dollars are largely deducted by tax law at source. They do deserve at least the same level of assurance and information regarding federal expenditures as is offered to the shareholders of public companies. Publicly traded companies are bound to provide to the public and its shareholders four reports annually. There is no reason why shareholders of public companies should be afforded more rights than Canadian taxpayers. The Canadian public is, after all, the ultimate shareholder of any public enterprise and their right to real-time financial data should be no less than those of corporate shareholders.

Honourable senators, Bill S-217 focuses on premises of disclosure and accountability — and not only to the public. It would also alert the government and Parliament to problems in any given department early on in the process and enable more timely remedial action. Bill S-217 provides for a requirement for quarterly, real-time reporting, allowing problems to be identified and remedied before they spin out of control. It facilitates a real-time reaction and corrective capacity.

The vast majority of all civil servants who serve the Crown want to tell the truth about financial performance, and they would prefer to do so without the financial information in their department being managed by their political or bureaucratic masters of the day. This bill and its requirements would liberate civil servants, allow them to do the work required and expected of them. It would prevent the politics of the department from attempting to manage financial information in a fashion so recently criticized in the Auditor General's report on the long gun registry. A firm financial disclosure policy and frequent disclosure to Parliament would lead to more openness and accountability, clarity sorely needed in the post-Enron, post-long gun registry world.

The preamble of Bill S-217 clearly summarizes the rationale for such a requirement at this point in time. While retroactive financial reporting serves no purpose other than to highlight failures or mismanagement, the Canadian public — the shareholders of Canada's departments and Crown corporations — deserve a level of openness and, more importantly, trust in the way their money is managed.

The discipline of regular financial reporting would provide the much needed alarms identifying mismanagement and underspending, where appropriate, and allow Parliament to step in and correct a financially difficult circumstance. It would increase Parliament's control and, combined with the new parliamentary budget office proposed and being discussed in the other place, would seriously enhance the role of Parliament, parliamentarians in both chambers, protecting taxpayers, the shareholders and the public purse.

I ask with all humility that honourable senators review the merits of this bill and I urge that it be allowed to proceed further in our process through second reading. I trust in the review process of the Standing Senate Committee on National Finance, where I raised this issue with the former head of the Treasury Board under the previous administration — and I might say that distinguished minister from Winnipeg was very open and constructive when the idea was expressed. That review process, after an in-depth study of Bill S-217, would allow the matter to be addressed in a fashion that I think would be constructive in the interest of clarity and the protection of the public service and the taxpayers of Canada.

On motion of Senator Fraser, for Senator Fox, debate adjourned.

• (1530)

STUDY ON CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Consumer Protection in the Financial Services Sector: The Unfinished Agenda*, tabled in the Senate on June 6, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein: Honourable senators, let me begin by saying how pleased I am with the report of the Standing Senate Committee on Banking, Trade and Commerce, *Consumer Protection of Financial Services: The Unfinished Agenda*. The report is a comprehensive overview of changes to Canada's financial sector that we believe would enhance consumer protection. There are 20 carefully targeted recommendations based on the evidence we heard from over 80 witnesses, whom I wish to thank for taking their time to come to Ottawa to share their thoughts and their expertise with the committee. Their testimony was very informative.

I thank as well the large number of senators, 21 in all, who participated in aspects of this report and in particular, those who are currently on the committee and actively debated its final recommendations.

I want to commend our former clerk, Gerald Lafreniere, our present clerk, Line Gravel, and our research staff led by the competent June Dewetering who did a superb job of weaving together this complex, coherent tapestry of recommendations.

Of course, I would like to pay special tribute and thanks to the Deputy Chair of the Banking Committee, my friend the Honourable David Angus, who spoke so eloquently earlier this afternoon, for his creative support as we undertook many months of hearings on this important topic of how to protect the consumers in this era of complexity in the marketplace and the proliferation of financial services and choices.

Honourable senators, I have a long interest in consumer protection that dates back over 40 years to my earliest days on Parliament Hill. In 1967 I helped to draft the bill to establish the Department of Consumer and Corporate Affairs. Many changes have taken place since that time. The department was ultimately merged with the Department of Industry. About five years ago, however, an important benchmark bill was passed, Bill C-8, to establish a financial consumer agency.

I urge my colleagues to consider whether it is time to see how that bill's provisions were working. Were they protecting the consumer in the way that Parliament had envisaged in 2001 and, more importantly, with five years of experience with the system, were changes needed to protect consumers better in the future? The answer is a resounding yes. Changes were needed. Qualify that it depends on whether the system was working as well as it could and as well as it was planned.

I commend the members of the financial sector who made excellent progress in the reform of their internal practices to provide better, more efficient and fairer consumer protection mechanisms. However, one of our major concerns was the confusion by the consumers in their consumer redress. Therefore, one of our major recommendations was to establish one ombudsman for the financial services sector while keeping intact the various pillars within this umbrella organization to ensure that sensitivity, expertise and timeliness are brought to bear in fairness on any consumer complaint, be it from the financial, insurance or any other aspect of the financial sector.

While many areas require improvement; I will touch on several that we believe require urgent attention. Payday loan organizations need immediate attention. In fact, some elements of the industry itself are calling for more regulation. While I agree with some of the witnesses that education would reduce the extent to which consumers use these services, in the view of the committee it would not be enough. The phenomenal growth in the industry from a dollar to over $6 billion in the last five or six year years and the high fees and rates they charge cry out for in-depth attention and study. That is why the committee recommended such a study on a priority basis, most particularly because it overlaps federal and provincial jurisdictions. The provinces have lagged behind in examining this matter. We hope that this study will make this an urgent issue.

We want to know why the growth of this sector has been so rapid, how their fees are structured and how they should be regulated for greater protection for consumers. Obviously, these service providers are fulfilling a need but the question for other financial institutions is why such a large gap has occurred in our rather competitive financial sector.

Another area that we believe deserves attention is consumer credit, whether the consumer is an individual or a business. In my view and that of many colleagues on the committee, individuals need access to reasonably priced credit in order to participate more fully in the economy. For their part, small and medium-sized businesses that are the engines of growth and the creators of jobs in this country also require access to reasonably priced credit if they are to compete effectively both domestically and internationally.

This is an old chestnut but we thought we had to roast it once again to bring it to the fore of public attention. Therefore, the committee recommended that the federal government study the means by which federally-regulated institutions need better access to reasonably priced credit for individuals and for small businesses.

There are some new and some old gems of recommendations in this report. The need for one national security regulator continues to be pressing. This costs the consumer and the economy much and retards growth and productivity. Our suggestion is that we establish one national security agency within the National Capital Region in Ottawa to avoid some of the provincial rivalries that retard this important reform.

We also think that it is important that the Integrated Market Enforcement Team under the RCMP receive more funds to allow for more and greater expertise in prosecuting large corporate frauds quickly and fairly.

I invite all senators and the public to carefully examine each and every one of our recommendations. We believe that a good economy is an economy that operates effectively, fairly and transparently and increases investor and consumer confidence in this most important sector of our life, our national economy.

I thank all honourable senators who participated in this landmark study. We will be following the outcome of our recommendations with great care and attention.

Honourable senators, in our era, the issue is not *caveat emptor* but *conturbat emptor*. We have to ensure that the consumer is not only aware but also not confused.

I will say a special word to Senator Plamondon, who, as an independent, played a key role in the deliberations of the committee. Many of our recommendations can be traced to her thoughtful participation. I thank all honourable senators for their patience.

Hon. Lowell Murray: Would the honourable senator accept a question?

Senator Grafstein: Yes.

Senator Murray: What significance, if any, are we to attach to the fact that the Chairman of the committee has not moved the adoption of his report?

Senator Grafstein: I thank the honourable senator for his question. I thought that it would be appropriate to hear from honourable senators on both sides before we address the issue of how to conclude this debate. Certainly, I intend to move the adoption of the report.

On motion of Senator Angus, debate adjourned.

• (1540)

THE SENATE

MOTION TO URGE GOVERNMENT TO PROMOTE SMOKE-FREE WORKPLACES AND PUBLIC AREAS ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Keon:
>
> That the Senate takes note that tobacco smoking continues to cause an estimated 45,000 Canadian deaths and to cost our economy up to $15 billion each year;

That the Senate notes that current federal legislation allows for ventilation options and smoking rooms in workplaces under federal jurisdiction even though they do not provide full protection from second-hand smoke and that full protection from second-hand smoke can only be achieved through the creation of workplaces and public places that are completely free of tobacco smoke;

That the Senate urges the Government of Canada to pass legislation to ensure that all enclosed workplaces and public places under its jurisdiction are smoke-free;

That the Senate ask the Government of Canada to call upon each province and territory that has not yet done so to enact comprehensive smoke-free legislation; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Tkachuk*)

Hon. Wilbert J. Keon: Honourable senators, I wish to speak briefly in support of this motion. The evidence of the damage from second-hand smoke is now overwhelming. There is no controversy left, and there is no excuse for the exposure of innocent citizens to second-hand smoke. I could elaborate on the documentation of diseases that have been caused by second-hand smoke and the deaths that have occurred, but that was covered in Senator Harb's initial remarks.

I wish to lend my support to this motion and suggest that it be dealt with today.

Hon. Anne C. Cools: Honourable senators, I wish to bring to your attention a problem with this motion, which problem is not insurmountable.

The fourth paragraph of the motion says:

That the Senate urges the Government of Canada to pass legislation to ensure that all enclosed workplaces and public places under its jurisdiction are smoke-free;

Honourable senators, a motion cannot ask the government to pass legislation. The passing of legislation is exclusively a parliamentary phenomenon. Perhaps Senator Harb could consider amending his motion. I have not read the rest of the text; my eye just fell to that part.

It is not uncommon in this era for journalists and members of Parliament to talk about governments passing legislation. Common parlance denies the constitutional reality. Perhaps we should look at the drafting of the entire motion to see whether there are other defects in it.

The Hon. the Speaker: I understand that Senator Cools was rising on a point of order. She drew our attention to the wording of this motion. I find nothing out of order with the wording of the motion. However, in her presentation Senator Cools has raised some issues of substance on which Senator Harb might wish to comment.

I must advise honourable senators that, should I recognize Senator Harb, his remarks will have the effect of closing the debate.

[Senator Grafstein]

MOTION MODIFIED

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, Senator Cools has raised an interesting parliamentary point. Perhaps Senator Harb would be willing to contemplate a friendly amendment to his motion so that it would read:

That the Senate urges the Government of Canada to introduce legislation...

If he did that, perhaps Senator Cools would consider her point of order resolved.

The Hon. the Speaker: If it is the will of the house, we will simply substitute the word "introduce" for the word "pass." I was reading the motion in that fashion.

Is it agreed that the word "introduce" will replace the word "pass"?

Hon. Senators: Agreed.

Hon. Mac Harb: I wish to thank honourable senators. This is a purely non-partisan motion. It is my hope that the Senate will approve the motion as amended.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion, as amended?

Hon. Senators: Agreed.

Hon. Anne C. Cools: Honourable senators, what was really required was a motion for amendment. Senator Harb should have moved a motion to amend his motion, because a motion cannot be put to the house by unanimous consent. Senator Harb should have moved that the motion be amended by substituting those words. That should have been voted upon and then the question should have been put on the amended motion.

Motion agreed to, as modified.

THE SENATE

MOTION TO IMPLORE PRESIDENT OF RUSSIA TO ASSIST IN LOCATING RAOUL WALLENBERG— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Meighen:

That the Senate of Canada implore President Vladimir Putin, President of Russia, to use his good office to shed light on the whereabouts of Raoul Wallenberg, the Swedish diplomat who was responsible for saving the lives of thousands of people from the Nazi death camps. Mr. Wallenberg was allegedly seized by the Soviet Army on January 17, 1945 and has not been seen or heard from since.—(*Honourable Senator Stratton*)

Hon. A. Raynell Andreychuk: Honourable senators, I wish to speak in support of this motion. I need not review the history of Raoul Wallenberg. He is well known in Canada for the work he did and the thousands of people he saved. It is time that the new Russian government, which took over the files and records of the Soviet Union, permit those records to be released to all people so that we can find out what happened to the thousands of people who were transported to the Soviet Union.

During the course of the war and immediately thereafter, millions of people were displaced. Many of them were moved to the Soviet Union, never to be known of again. It is important that someone who served so well during the war be acknowledged by the Russian government of this day and that it make every effort to learn what happened to Mr. Wallenberg. Doing this could set a precedent to allow thousands of other families to find out what happened to their relatives. The emphasis is not how they served, but the right of families to know should be acknowledged by the Russian government.

The Russian government has indicated that it wishes to be transparent in order to be part of the modern community. I believe that the only way it can do so is to immediately begin to comply with all the requests that have been made about what happened under the Soviet regime.

This motion is timely and I wish to support it.

Hon. Anne C. Cools: Would Senator Andreychuk accept a question?

Senator Andreychuk: Yes.

Senator Cools: I believe that Raoul Wallenberg is an honorary citizen of Canada.

• (1550)

Senator Di Nino is the progenitor of this motion. I am not sure that the Senate of Canada has a way to speak to the President of Russia, as it seems to me that sovereigns speak to sovereigns, in protocol. Perhaps, since Mr. Wallenberg is already a citizen of Canada, the Foreign Affairs Minister might have an interest in advancing the issue himself directly, which would relieve us of being put in the unusual position of imploring. The motion reads:

> That the Senate of Canada implores President Vladimir Putin, President of Russia, to use his good office to shed light...

We should really pay attention to these motions. The Senate of Canada cannot be properly in the position of being a supplicant to a head of state of another country. However, because Raoul Wallenberg has already been made an honorary citizen of Canada — I believe a motion went through this particular house to that effect — the motion would be better scripted and would be a lot more full-bodied if we made our appeal to the Minister of Foreign Affairs and to our sovereigns to have the dialogue with Mr. Putin, the President of Russia, because we have no way of dialoguing with the president of a foreign state.

Senator Andreychuk: I am sure the honourable senator took the opportunity through me to speak to Senator Di Nino. I did not want to make a full speech, which I think this topic deserves. However, because of the time limits, I simply wanted to support the content and the intent. I leave it to the movers to determine whether Senator Cools' point has validity and whether they wish to do anything about it.

The Hon. the Speaker: It was a question to Senator Andreychuk.

Senator Di Nino: I was going to speak.

The Hon. the Speaker: If Senator Di Nino speaks —

Senator Cools: That is not quite in order.

Senator Stratton: Why is it not?

Senator Cools: An important procedural parliamentary point has been placed before the chamber that must be disposed of, unless Senator Stratton wants to dispose of it.

The Hon. the Speaker: If a point of order is to be raised, the chair will hear a point of order. If no point of order is to be raised, Senator Di Nino has sought the floor. If he takes the floor, it is my duty to advise the house that should he speak, it will have the effect of closing the debate.

Senator Cools: The time is coming to a close. On Wednesdays we like to close this place down around four o'clock. Perhaps I should take the adjournment and then therein propose an amendment myself, when I have had time to give it more attention. I keep adding to my workload.

On motion of Senator Day, debate adjourned.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Joyce Fairbairn: Honourable senators, with leave of the Senate, I move:

> That, notwithstanding the usual practices of the Senate, the Standing Senate Committee on Agriculture and Forestry be authorized to sit on Monday, June 12, 2006, at 4:30 p.m. for the purpose of hearing the Minister of Agriculture, Chuck Strahl.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Terry Stratton: Honourable senators, I do not like to do this but I will do it anyway.

As is our practice in this chamber when we have motions such as these, for committees to meet out of their normal time slots, I have made a point of saying that our side agrees a minister is present, and in this case there is. The good senator was not here last week at the time that I spoke to this issue. I believe Senator

Peterson put forward the motion to have the meeting at five o'clock, even though the Senate may be sitting. That was an exception to the rule as well.

I said at that time that we were doing this now for the second week in a row. I agreed in the circumstance because of the presence of the minister at your next meeting. Then I asked the question: Will there be a third occurrence next week? Lo and behold, we now have a third occurrence. My question is obvious: Will there be a fourth occurrence? Is this an ongoing, weekly exception with which we will live?

Senator Fairbairn: Honourable senators, I understand Senator Stratton's frustration. I am assured by Senator Tkachuk that there will not be a fourth request next week.

• (1600)

As all senators know, this is a new government, and there are several big issues surrounding agriculture and forestry. As the opportunity has arisen to have the new ministers come and talk to our committee, it is not something one lightly turns aside.

I am very grateful to Senator Stratton and all senators for permitting this to take place because it is the one time we have available to speak to the Minister of Agriculture and Agri-Food. Thank you on behalf of all committee members.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Do I understand correctly that the honourable senator requested a Monday afternoon for this committee as opposed to the regular time slot of Tuesday? If so, has this request been discussed with the members of the committee on the government side?

Senator Fairbairn: Yes, this has been discussed with the entire committee. The reason for choosing Monday is that is the only time the minister is available to meet with us. His office has been very generous in finding that opportunity.

The Hon. the Speaker: Are there any further questions or comments on this motion? Are honourable senators ready for the question?

Hon. Senators: Question!

Motion agreed to.

STATUTES REPEAL BILL

LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AUTHORIZED TO RECEIVE DOCUMENTS AND EVIDENCE ON STUDY OF BILL S-5 IN THE THIRTY-EIGHTH PARLIAMENT

Hon. Tommy Banks, pursuant to notice of June 6, 2006, moved:

> That the papers and evidence received and taken on Bill S-5, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, by the Standing Senate Committee on Legal and Constitutional Affairs during the First Session of the Thirty-eighth Parliament be referred to the Standing Senate Committee on Legal and Constitutional Affairs for its study on Bill S-202, An Act to repeal legislation that has not come into force within ten years of receiving royal assent.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, June 8, 2006, at 1:30 p.m.

CONTENTS

Wednesday, June 7, 2006

PAGE

;ENATORS' STATEMENTS

iational Security
Ion. David Tkachuk 448

he Late Captain Nichola Goddard
Ion. Roméo Antonius Dallaire 448

)onating Blood
Ion. Ethel Cochrane 449

merican Student Interns
Ion. Joseph Day 449

Vomen's Institutes of Nova Scotia
Ion. Madeleine Plamondon 450

he Honourable Claudette Tardif
Congratulations on Receiving Honorary Doctoral Degree.
Ion. Yoine Goldstein 450

'isitor in the Gallery
he Hon. the Speaker 450

ROUTINE PROCEEDINGS

Committee of Selection
Third Report of Committee Presented.
Ion. Terry Stratton 450

he Senate
Membership of Standing Senate Committee on Conflict of Interest for Senators.
Ion. Marjory LeBreton 451

greements Between Federal Government and Provinces and Territories on Child Care
Notice of Inquiry.
Ion. Marilyn Trenholme Counsell 451

ccess to Drinkable Water
Notice of Inquiry.
Ion. Madeleine Plamondon 451

QUESTION PERIOD

he Environment
Kyoto Protocol—Government Policy.
Ion. Francis Fox 451
Ion. Marjory LeBreton 452
Kyoto Protocol—Government Policy—Nomenclature.
Ion. Tommy Banks 452
Ion. Marjory LeBreton 453

griculture and Agri-Food
Farm Income—Support Programs.
Ion. Daniel Hays 453
Ion. Marjory LeBreton 453

PAGE

Indian Affairs and Northern Development
First Ministers Agreement on Aboriginal Issues.
Hon. Jim Munson 454
Hon. Marjory LeBreton 454
Hon. Joan Fraser 455

Visitors in the Gallery
The Hon. the Speaker 455

Pages Exchange Program with House of Commons
The Hon. the Speaker 455

ORDERS OF THE DAY

Budget Implementation Bill (Bill C-13)
Second Reading—Debate Adjourned.
Hon. W. David Angus 455
Hon. Serge Joyal 456
Hon. Daniel Hays 458
Hon. Art Eggleton 459
Hon. Jerahmiel S. Grafstein 459
Hon. Willie Adams 460
Hon. Joseph A. Day 460
Hon. Grant Mitchell 460

Financial Administration Act
Bank of Canada Act (Bill S-217)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Hugh Segal 461

Study on Consumer Issues Arising in Financial Services Sector
Report of Banking, Trade and Commerce Committee—Debate Adjourned.
Hon. Jerahmiel S. Grafstein 462
Hon. Lowell Murray 463

The Senate
Motion to Urge Government to Promote Smoke-Free Workplaces and Public Areas Adopted.
Hon. Wilbert J. Keon 464
Hon. Anne C. Cools 464
Motion Modified.
Hon. Joan Fraser 464
Hon. Mac Harb 464
Hon. Anne C. Cools 464

The Senate
Motion to Implore President of Russia to Assist in Locating Raoul Wallenberg—Debate Continued.
Hon. A. Raynell Andreychuk 465
Hon. Anne C. Cools 465

Agriculture and Forestry
Committee Authorized to Meet During Adjournment of the Senate.
Hon. Joyce Fairbairn 465
Hon. Terry Stratton 465
Hon. Gerald J. Comeau 466

Statutes Repeal Bill
Legal and Constitutional Affairs Committee Authorized to Receive Documents and Evidence on Study of Bill S-5 in the Thirty-Eighth Parliament.
Hon. Tommy Banks 466

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 22

OFFICIAL REPORT
(HANSARD)

Thursday, June 8, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, June 8, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, I would like to draw your attention to the presence in the gallery of the Honourable Lü Congmin, the Honourable Liu Zhen, the Honourable Zhu Mingshan, the Honourable Ren Maodong and the Honourable Duan Bingren who are visiting Canada. They are members of a group of parliamentarians from China and will be meeting with their Canadian colleagues. On behalf of all honourable senators, welcome to the Senate of Canada.

SENATORS' STATEMENTS

CANADA-CHINA LEGISLATIVE ASSOCIATION

Hon. Jack Austin: Honourable senators, I am pleased to join with the Speaker in his recognition of the presence in the chamber of the delegation from the National People's Congress of China. The Canadian Parliament entered into an agreement in 1998 with the National People's Congress, which is the paramount legislative body of China, for the formal establishment of the Canada-China Legislative Association, composed of both Canadian and Chinese sections. Since that time, visits have been exchanged every year between our Canadian legislators and those of China with the objective of recognizing and exchanging views on issues of governance and bilateral relations.

The Chinese delegation is headed this year by an old friend of Canada, the Honourable Lü Congmin, who is Chairman of the Chinese section and Vice Chairman of the National People's Congress Foreign Affairs Committee. He knows Canada well having served in the Chinese embassy in Ottawa for five winters. He is accompanied by four Vice-Chairmen of the National People's Congress Committees, all of whom are senior legislators.

The program, led on the Canadian side by co-chair Senator Day, included a meeting in Vancouver on June 2 with International Trade Minister, Honourable David Emerson to discuss the Pacific Gateway strategy and a visit yesterday, along with co-chair Tom Wappel MP, to the Alberta oil sands, accompanied by Alberta's energy minister, the Honourable Greg Melchin.

Today they met with Jason Kenney, MP, Parliamentary Secretary to the Prime Minister; Senator Dan Hays; Kevin Sorenson, MP; Chair and Members of the Standing Senate Committee on Foreign Affairs and International Development in the House of Commons.

This afternoon they will meet with Speaker Peter Milliken followed by a bilateral consultation among members of the Canada-China Legislative Association. Tomorrow they have meetings with Speaker Kinsella, the Honourable Rob Nicholson, Leader of the Government in the House of Commons, and are hosted at lunch by the Honourable Bill Blaikie, Deputy Speaker of the House of Commons.

The importance of our parliamentary diplomacy with China is demonstrated by the fact that the Canada-China Legislative Association has the second largest membership of our formal bilateral relations with foreign legislators. Canada and China have marched closely together since the time of Honourable Alvin Hamilton and the recognition of our diplomatic relationship by the government of Prime Minister Pierre Elliott Trudeau. We look forward to building on those early positive steps to an ever stronger friendship and strategic partnership.

Hon. Senators: Hear, hear!

WORLD OCEAN DAY

Hon. Janis G. Johnson: Honourable senators, it is World Ocean Day today. Did you know that over half the world's population lives within 100 kilometres of the coast? Did you know that more than 1 million people rely on fish as their primary source of protein? Did you know that oceans provide the world with $21 trillion annually in ecological goods and services? These are a few facts that will fascinate people as they do a bit of reading about World Ocean Day.

On June 8, countries across our globe will celebrate the fourteenth annual World Ocean Day. The idea of taking a day to remember the importance of the life-giving role of oceans world-wide occurred in 1992 in Rio de Janeiro. Although the day has yet to be declared formally by the United Nations, today World Ocean Day has grown into a global tsunami of celebration and reflection.

As home to the bulk of our planet's biodiversity, oceans provide a lifeline. Given how much the oceans offer us, World Ocean Day asks us to reflect about what we have done to protect and preserve this valuable resource.

• (1345)

In Canada, almost every government department and agency is involved in the management of our oceans through policies, programs, services or regulations. The Oceans Act, passed in 1997, provides the foundation for our country's ocean strategy. The act says that Canada promotes understanding and fosters sustainable development, that it applies an ecosystem approach, as well as a precautionary approach, that it promises integrated management of our oceans and marine resources, and that it recognizes that oceans provide economic diversification and opportunities. The act points to the need to work in collaboration with all ocean stakeholders.

Honourable colleagues, World Ocean Day gives us an opportunity to assess how our country is measuring up. Like other countries, we certainly face our challenges, some of which include marine pollution, fisheries collapse, and failure of species with restoration programs and near extinction of marine species.

However, I do not want you to think that this is all gloom and doom, for World Ocean Day also represents an opportunity for Canadians to be proactive and learn more. Canadians are asked to change their perspective, to think about what the oceans mean to them — the state of our oceans — and ask how we would like them to be now and in the future.

We are asked to learn about the wealth of diverse and beautiful ocean creatures and habitats. We are asked to visit an aquarium, the seashore, the beach or an estuary. Canada's theme this year — "Watersheds...your link to Canada's oceans... explore the connection!" — emphasizes our connection to the ocean, no matter where we live, inland or by the coast. For those in landlocked provinces like me, even a visit to Lake Winnipeg — another very troubled body of water — commemorates World Ocean Day.

We are asked to change our behaviour by watching water use and recycling; and last but not least, Canadians are asked to celebrate. We certainly have reason, for our coastlines, which include the Pacific, Arctic and Atlantic oceans, stretch nearly a quarter of a million kilometres and look out on more than 10 million square kilometres.

CONGO

EFFECT OF CONFLICT ON WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, on Tuesday, June 6, senators Pépin, Nancy Ruth and I had the pleasure to attend a fundraising event organized by the World Federation of Congolese Women. The goal of this event was to raise Canadian awareness of the brutal conflict that continues today in the Democratic Republic of the Congo.

The event featured speeches to raise awareness of the issues. The horrifying conflict in the Democratic Republic of the Congo is the most lethal the world has seen since the Second World War, having claimed more than 4 million lives since 1998.

For women in Congo, the situation is even worse. Sexual violence is being used as a weapon of control, and women are kept powerless to stop it as they are pushed out of the political process. This presents a tremendous problem. To quote Nicola Dahrendorf in the report *Mirror Images in the Congo: sexual violence and conflict*:

> Sexual violence is arguably one of the most challenging human rights violations to address in peace and security work. There is no vaccine to prevent it; there is no "cure" for its effects.
>
> Girls and women are dying from the violence, and its long term emotional and physical effects are profound and far-reaching.

The deadly conflict that surrounds the women of Congo robs them of all security. This conflict has left families in the Congo completely destroyed. Justice, basic health and adequate schooling are just dreams for many women and girls in the Congo.

Honourable senators, this is what war does to women and girls. The experiences of women in Congo are a stark example of the merciless conditions that women must live with all over the world. The United Nations estimates that one in three women will be beaten or raped in their lifetime. In many cases, these women are discarded like trash — shunned by their communities, pregnant with children of rape, often carrying diseases like HIV/AIDS and traumatized in other ways many of us here can only imagine.

Honourable senators, for too long the world has ignored the situation in the Congo. Today, we can make sure that the Congolese are supported by Canadians.

Hon. Senators: Hear, hear!

[*Translation*]

OPERA OF MONTREAL

Hon. Andrée Champagne: Honourable senators, the Opéra de Montréal's recent cry for help should make us stop and think. It should encourage us to work together to convince our government to review its policy on funding a noted institution that is the pride of Canada, Quebec and the city of Montreal.

Over the past 12 years, federal funding for the Opéra de Montréal has been slashed by $200,000. Today, it is running a $2 million deficit, and its survival is uncertain.

The Opéra de Montréal's outgoing artistic director Bernard Labadie has said that if nothing is done, the company will disappear within three years.

• (1350)

He said that, for too long, the company has been dealing with urgent matters whenever it has not been dealing with emergencies. General Manager David Moss added that time is short, and the company does not need a study, it needs help very soon.

Years ago, opera was considered to be the exclusive preserve of the elite. Over the past few years, the Opéra de Montréal has brought about changes that have made opera more mainstream. That was the only way to ensure its future. Last season, the company played to packed houses. Over the past few years, there has been a 700 per cent increase in the number of people coming from outside Montreal to see the performances. However, production costs are still high and ticket prices must remain reasonable if the company wants to maintain its public support. It must therefore rely on government funding to fill the gap in its budget.

The Opéra de Montréal is extremely important for our young singers. There is no doubt that young Canadian singers have talent. We have many schools and teachers with excellent reputations. At the Opéra de Montréal, they have the opportunity to improve their acting skills and to try them out during company productions. The next step is to take on bigger roles here and abroad.

Rumour has it that a foundation is about to lend a hand to the management of L'Opéra de Montréal regarding the workshop, and in the pursuit of educational projects as well. The interest of youngsters in that form of art has to be stimulated if we want to prepare the music lovers of tomorrow.

It is only a matter now of convincing our governments at all levels to loosen the purse strings, thus continuing to allow, and even promote, the production of quality operas increasingly featuring Canadian artists.

Honourable senators, let us all hope that this cry will be heard.

COMMUNITY RADIO MANITOBA

ENVOL 91 FM—FIFTEENTH ANNIVERSARY

Hon. Maria Chaput: Honourable senators, on Saturday, June 3, I had the pleasure of attending the celebrations marking the fifteenth anniversary of Envol 91, la radio communautaire du Manitoba. This community radio station, which was the first one to broadcast in western Canada and in the territories, held on the occasion of its fifteenth anniversary the first annual general meeting of the Alliance des radios communautaires du Canada, or ARC du Canada, in western Canada.

The 21 broadcasting radio stations formed a North American French-language network to support the consolidation and production of member stations across Canada, eventually including France.

Envol 91's president, Francine Deroche, stated:

> Radio is more than just a media, in that it is a public space where people are allowed to experience their language and culture outside the private space provide by their homes, for example. From the moment any culture or language can only be experienced in private, they die out.

The year 2005-06 saw several ongoing radio projects be granted broadcasting licences by the CRTC, while other stations started broadcasting. The Brise de la Baie co-op, in Saint John, New Brunswick, and the radio co-op in Toronto are now broadcasting.

Radio Richemond, in Petit-de-Grat, the Halifax-Metro station, in Nova Scotia, and the community corporation, in Victoria, British Columbia, have all been granted a broadcasting licence.

Radio MirAcadie, in New Brunswick, has applied for a licence and its application is currently under review at the CRTC.

Honourable senators, I draw your attention to the challenges facing these radio stations. Over the course of 2005-06, they explored various avenues for funding, in search of other sources. The national government advertising file caught their eye and a workshop on it was held with the Department of Public Works and Government Services. The information they received was not very encouraging, given that audience ratings of Francophone community radio stations in Canada are apparently not high enough for them to get access to that department's programs. I intend to follow up on this issue.

Honourable senators, is this simply one more example of a program designed for the majority that is therefore not accessible to minority groups?

I will close by saying that the ARC du Canada is about to ratify an agreement with its French partner, the Conseil des Radios associatives, whose representatives I was pleased to meet that day. The Conseil was amazed by the vitality and dynamic nature of French-Canadian community radio stations!

• (1355)

I would like to congratulate all of our community radio stations. I thank the volunteers who work at them with such determination and dedication, and I wish these radio stations many years of success.

[*English*]

ABORIGINAL WOMEN ON THE MOVE

CROSS-CANADA CYCLE TOUR

Hon. Lillian Eva Dyck: Honourable senators, on May 28, the Aboriginal Women on the Move Cross Canada Cycle Tour kicked off from the Pacific Spirit Regional Park, Vancouver, B.C. The purpose of the tour is to raise awareness and bring attention to family violence in Aboriginal communities and violence against Aboriginal women. The women who make up the cycling team — Sheila Swasson, Donna Martin-Metallic, and Chi Metallic — are from the Listuguj M'ikmaq First Nation in Quebec. They will cycle across Canada, travelling 7,049 kilometres, and end their trip in St. John's, Newfoundland, in mid-August. Their intended schedule is posted on their website, www.Aboriginalwomenonthemove.org.

They will be in Saskatoon next week, on June 13 and 14. The events planned for them in Saskatoon are being coordinated by members of Iskwewuk E-Wichiwitochik, which means "women working together," a community group that aims to provide moral support to the families of missing Aboriginal women and to put an end to violence against Aboriginal women.

Premier Calvert, Mayor Atchison, MPs, MLAs, provincial Minister of Justice Quennel, FSNI chiefs, members from community support agencies and I have been invited to attend a public rally and barbecue on June 14.

Honourable senators, women are three times more likely than men to be injured by their spouse. One in 12 children have seen violent acts in their own homes. Violence against women occurs in every part of our society, regardless of ethnicity, culture, age, religion, or social or economic status. It is heartbreaking to note that young Aboriginal women are five times more likely than all other women in Canada to die as a result of violence.

Honourable senators, Sheila Swasson, Donna Martin-Metallic and Chi Metallic — the Aboriginal Women on the Move — have a dream: to break the cycle of violence in our communities. Please help them make it so by getting involved when they visit your community.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday June 8, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to table its

FIRST REPORT

Your Committee heard of serious concerns about Senator Raymond Lavigne's use of Senate resources.

Your Committee created a Special Subcommittee to investigate the matter and has now received the report of the Subcommittee which was adverse to Senator Lavigne.

Your Committee has received a letter from Senator Lavigne's counsel, dated June 7, 2006, advising it that the Senator proposes to pay the Senate $23,666.49, without prejudice, as recommended by the Subcommittee in its report.

Your Committee recommends that it is in the public interest to refer the matter studied and the papers and records of the Special Subcommittee that the Committee considers appropriate to the proper authorities.

Respectfully submitted,

GEORGE J. FUREY
Chair

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I move that with leave of the Senate and notwithstanding rule 58(1)(g), the first report of the Standing Committee on Internal Economy, Budgets and Administration be adopted now.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

Hon. Lowell Murray: I would like to see what I am voting on, if the honourable senator does not mind.

[*Translation*]

Hon. Céline Hervieux-Payette: Honourable senators, I would like to make a comment about that report. Given that I attended that meeting of the committee, and before granting my support to the adoption of this report dated June 8, which is before us ...

[*English*]

The Hon. the Speaker: Honourable senators, leave has been requested to consider this report. If leave is requested, then I would anticipate a motion would be made and then we can all debate that motion. It will be like any other motion. That would be the proper time for Senator Hervieux-Payette's intervention.

The chair takes it that leave is granted.

• (1400)

Honourable senators, it has been moved by the Honourable Senator Fraser that notwithstanding rule 58(1)(g), the first report of the Standing Committee on Internal Economy, Budgets and Administration be adopted now.

[*Translation*]

Senator Hervieux-Payette: Honourable senators, before I support the adoption of the report dated June 8 that is before us, I would just like to remind the honourable senators of two very important points.

Under section 18 of the Constitution Act, 1867, every senator enjoys the privileges, immunities and powers that exist in British and Canadian law. In addition, under the Canadian Charter of Rights and Freedoms adopted in 1982, Canadian citizens are entitled to the protection of their fundamental rights, in particular the right to a full and complete defence and the right to be presumed innocent.

In that regard, honourable senators, paragraph 4 of the report mentions submitting it to the proper authorities. To fully understand the impact of this report, it is important that the senators receive assurances that their rights and privileges will be preserved for all legal purposes, in the interests of our institution and all its members, when the report is referred to the authorities.

[*English*]

Senator Murray: Honourable senators, I do not know any more about the substance of this matter than what we have all read in the media. There is a reference to a report of a subcommittee. May I ask the mover of the motion, or the chairman of the committee, whether the report of the subcommittee is available to us and whether verbatim transcript was kept of the deliberations of the subcommittee?

Senator Furey: Thank you, Senator Murray. In fact, transcript was kept. The report is available to senators, but on a confidential basis, obviously to protect the reputation of the senator involved until any investigation is completed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

SECOND REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, June 8, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to table its

SECOND REPORT

Your Committee is concerned with an apparent leak to the media of matters discussed in its in camera proceedings of Thursday, June 1st, 2006.

Your Committee will proceed to investigate this matter in accordance with Appendix III of the *Rules of the Senate* which provides the procedure for dealing with unauthorized disclosure of confidential committee reports and other documents or proceedings.

Respectfully submitted,

GEORGE J. FUREY
Chair

• (1405)

QUESTION PERIOD

NATIONAL DEFENCE

LONG-RANGE AIRCRAFT PROCUREMENT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I raise with the Leader of the Government in the Senate the questions discussed in the media involving the procurement of long-range aircraft. In particular, I raise the issue of the acquisition of the C-17 cargo plane at a time when the issue has raised great controversy in the media because of an apparent difference between the position taken by the Chief of the Defence Staff, General Rick Hillier, and the minister.

Could the minister advise us on whether there is a difference between the positions and what the status of this matter is?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

I have seen the same media speculation, and that is exactly what it is: speculation. I have no more information than what was in the paper this morning. It is speculation, and I think that we should wait until the Department of National Defence makes an announcement of what equipment it will buy.

Senator Hays: I leave it with the minister that we are all curious to know when this decision will come forward.

Can the Leader of the Government in the Senate comment on the general way in which this decision will be made? It is obviously something that has a source. I do not know what that source is. I assume that the Leader of the Government in the Senate does not know either, but she is a member of the government and has access to the minister and to information that we do not have access to. I think that the sooner this matter is put to rest, the better. Again, the issue is: When will this matter be put to rest, one way or the other?

Senator LeBreton: Thank you, Senator Hays. I hope that it will be put to rest or resolved fairly quickly. The Minister of Defence, as the honourable senator will know, is in NATO meetings. I am certain that the decision will be based on need and that it will be open for everyone to see. The decision will be made much quicker than it took the government to replace the Sea Kings, of course, which the government did not do.

AERONAUTICAL PROCUREMENTS AND MAINTENANCE

Hon. Francis Fox: My supplementary question is addressed to the Leader of the Government in the Senate. One can assume that a decision will be made and, second, that it will be made by the government on the recommendation of the Department of National Defence, and that the government will have input into the decision.

In her position as an important member of the government, can the minister give assurances to us and to the Canadian aerospace industry that these procurement contracts will be negotiated in keeping with the long-held tradition in Canada, supported by previous Liberal and Conservative governments, of ensuring that there are important economic spinoffs and offsets, such as significant subcontracting to Canadian manufacturers, and also that contracts will be negotiated in keeping with another long-held tradition in Canada of ensuring that maintenance of Canadian military aircraft is done by the Canadian aerospace industry?

Hon. Michael Fortier (Minister of Public Works and Government Services): I am happy to respond to Senator Fox's supplementary question. It is indeed our intent, when these decisions are made, to ensure that after the government has spent the money over the next several years, we have a more robust and vibrant defence industry in Canada. Hence, we are taking these factors into consideration. It is important to every single member of cabinet that this decision unfolds exactly as I have indicated.

• (1410)

[*Translation*]

Senator Fox: Honourable senators, the Minister of Public Works, as minister for Montreal, surely knows that aerospace is a flagship industry for greater Montreal and that Montreal ranks third in the world, after Seattle and Toulouse, in terms of the size of this industry.

The minister also knows that this industry developed thanks to a public-private partnership. One key element of that partnership is the Technology Partnerships Program, and the other is the emphasis that all federal governments, regardless of political stripe, have placed on economic spinoffs that are negotiated when major contracts such as the C17 contract are awarded.

Can the minister assure us that he will make the necessary representations to his colleagues to ensure that a major share of the spinoffs from the proposed purchase of the C17 will come to the Canadian aerospace industry, which is centred in Montreal?

Senator Fortier: Honourable senators, what is important to me, as well as to the Leader of the Government in the Senate and all our Cabinet colleagues, is that this exercise improve the lot of Canadian companies with expertise in this sector. Thus, not only will Canadian taxpayers' money be well spent and result in economic benefits to Canada, but this will also enable companies to be able to participate in calls for tenders of other foreign governments and will contribute to the prosperity of this industry, which was previously very robust.

After this exercise, we want to put the industry back on track, something we feel is very important and a good policy in the context of these important acquisitions.

Hon. Marcel Prud'homme: Honourable senators, several years ago — those of you with institutional memories will remember this — there was a furious debate in the Senate concerning the pharmaceutical industry, which is well established in Montreal. This has some relevance to the remarks of my colleague and friend, Senator Fox. The entire pharmaceutical industry in Montreal grew as a result of the protection it received at the time. I pay tribute to the late Senator Rizzuto, who vigorously defended the Montreal pharmaceutical industry. At present, there seems to be a debate resurfacing in Toronto led by Apotech. For those following the news, it seems that the intense competition from back then is resurfacing for a variety of reasons. I do not wish to go into detail, but I see that Apotech appears to want to again take up the battle for pre-eminence of the Toronto pharmaceutical industry. I hope that the minister, in his reflections, will continue to serve as protector and champion of the Montreal pharmaceutical industry — because this was the pride of the former Mulroney government — which runs the risk of slipping through our fingers as well.

Senator Fortier: Honourable senators, this industry as well as the aerospace industry and culture are important to me. You can rest easy.

[*English*]

Hon. Sharon Carstairs: Honourable senators, my supplementary question is addressed to the Minister of Public Works. It deals with the original question asked by Senator Fox.

In the past, governments which have had a Conservative label have discriminated against the City of Winnipeg when it came to aeronautical businesses. I wish to be assured that in new government contracts with respect to aeronautics Winnipeg will get its fair share.

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Carstairs for her question.

The new Conservative government does not need to take any lessons from the previous Liberal government. Honourable senators will see a much improved climate in all issues concerning contracting and acquisitions.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

MATERNITY BENEFITS FOR WOMEN ENTREPRENEURS

Hon. Catherine S. Callbeck: My question is to the Leader of the Government in the Senate.

In 2003, I was the Vice Chair of the Prime Minister's Task Force for Women Entrepreneurs. We were asked to come up with recommendations on how the federal government could be more supportive of women entrepreneurs and how we could get more women to become business owners. At that time, there were 821,000 women entrepreneurs in the country, and that number continues to grow every year.

• (1415)

During our cross-Canada consultations, we heard, time and again, that women want to have the opportunity to pay into a fund so that they can receive maternity benefits if needed, and that was one of the major recommendations of the task force.

On June 30, 2005, the Minister of Human Resources and Skills Development of the previous government told the Standing Senate Committee on Social Affairs, Science and Technology that she had instructed her department to start a review to determine what would be involved in creating a program to extend parental benefits to women entrepreneurs.

Is the federal government continuing the work of the previous government with regard to maternity benefits for women entrepreneurs?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Callbeck for that question. I well remember the report of that task force under the previous government which was tabled in the Senate.

Senator Callbeck has reminded me of the then minister's commitment to a Senate committee on June 30. I myself wonder what happened in July, August, September, October, November, December and early January. In any event, I will take that question as notice and find out where this recommendation is within the department.

Senator Callbeck: Honourable senators, it is very important to support our women entrepreneurs, because they contribute over $20 billion to the economy. Between 1981 and 2001, the number of women entrepreneurs in Canada increased by 208 per cent.

If, when the Leader of the Government in the Senate speaks to the minister about this, she learns that this review is continuing and the government is considering a potential program, will she also ask the minister when we might expect to hear about it?

Senator LeBreton: Honourable senators, I believe that everyone supports women entrepreneurs. I have said on many occasions that our government was not elected to implement programs of the previous government, but I will endeavour to learn whether the figures Senator Callbeck cited are sustainable and what programs will be forthcoming in this area.

THE ENVIRONMENT

KYOTO PROTOCOL—GOVERNMENT POLICY—CONSULTATIVE PROCESS

Hon. Grant Mitchell: Honourable senators, the Minister of the Environment is doing what we all wish pollution would do; she is disappearing. She managed to attend one of 14 days of the international Kyoto conference, at which she was supposed to be the chair. She failed to appear at the FCM conference because of a scheduling conflict. This one is good for the environment: She took a van less than one block across a parking lot so that she would not have to deal with some well-behaved demonstrators. She missed a major environmental awards conference and show because of a scheduling conflict. Most recently, she was a no-show at the annual Toronto smog show. That was the first time in seven years that the federal minister did not attend.

In her effort to create a made-in-Canada environmental policy, will Minister Ambrose talk to any Canadians at all?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Mitchell for the question. Minister Ambrose is very talented and is working hard on this file, but even she cannot be in two places at one time. The senator asked whether she will speak on this issue. If he were paying attention, he would know that she spoke at a Canadian Club event in Ottawa yesterday. She cannot speak to the Canadian Club on Clear Air Day and be in Toronto at the same time. As smart and as talented as she is, she cannot split herself in two.

• (1420)

Senator Mitchell: The Minister of the Environment's facts should be checked because she said she was required to be here to vote. She cannot be at the Canadian Club, voting and at the smog show at the same time. You cannot have it both ways. It is not just about who she is speaking to; it is also about who she is listening to.

Before we brought in the climate change program, we had a broadly based consultative process. Could the Leader of the Government in the Senate please inform us — of the consultative process the Minister of the Environment is to conduct before she brings in the replacement for this program? Is it limited to her high-level discussions with the U.S. on the Asia-Pacific program?

Senator LeBreton: The honourable senator can go on the internet and get the Minister of the Environment's speech to the Canadian Club. It is also true that she was here for votes yesterday. She is consulting very widely on this issue. Furthermore, most people know that, even if the honourable senator does not.

In today's *National Post*, Jayson Myers, Chief Economist of the Canadian Manufacturers and Exporters, said in response to the minister's speech — that the honourable senator claims she did not make —

> The Minister has done a valuable job in focusing on those practical solutions involving technology rather than resting on the laurels of an unachievable agreement.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS' AGREEMENT ON ABORIGINAL ISSUES

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate.

Yesterday the honourable senator rose in the chamber and stated, "At the end of the day, no Kelowna agreement was signed." At around the same time, Phil Fontaine, head of the Assembly of First Nations, was appearing before the Standing Committee on Aboriginal Affairs and Northern Development. Mr. Fontaine said, "I want to be absolutely clear that there was an agreement, we truly believe that there was an agreement, an agreement reached with the country and not just one party." Who is telling the truth?

Hon. Marjory LeBreton (Leader of the Government): Does that tickle honourable senators' funny bone?

I have the so-called Kelowna agreement in front of me. It is worded very well. We say things such as agree to take immediate action, recognize and respect the diverse and unique history and traditions, on and on for pages. Not one dime is mentioned in terms of the cost.

At other times, Mr. Fontaine has publicly stated that he has met with the minister several times and indicated that the discussions have been productive. I guess I can ask Mr. Fontaine what he meant regarding past statements on meetings with Minister Prentice and what he said yesterday in the committee.

Senator Munson: I have to take Mr. Fontaine's word as to what he said yesterday: "No consultation took place with the minister." He may have had a chat, but there was no consultation with respect to this issue. He stressed that First Nations people's "shared future must not be held hostage to partisan politics."

I ask once again: Who is telling the truth?

Senator LeBreton: I accept Mr. Fontaine's statement, but I also believe that he perhaps has not been fulsome in his comments. He has talked in the past about meeting with the Minister of Indian Affairs and Northern Development. I guess we will have to ask Minister Prentice and Mr. Fontaine whether these meetings took place.

Hon. Tommy Banks: Honourable senators, I am seeking instruction with my question because I am naive as to how things work as far as money is concerned.

Do I take it from the Leader of the Government's comments that the agreement is not valid in some way because it does not contain and was not preceded by a fiscal framework? No dollars are mentioned in the agreement. Does that mean that the present government will ensure that monies will be in place and on the table before negotiating agreements to which that money might apply?

Senator LeBreton: Minister Prentice, who was our then critic on Aboriginal affairs, was at Kelowna. There is a statement of intent. No one can argue with the goals that are listed in the document,

but there was no agreement signed, no fiscal framework was developed. The Kelowna meeting was held on November 24 and 25, 2005. One person described this as "a deathbed repentance." These meetings took place literally days before the election was called. There was no fiscal framework.

• (1425)

This government and the minister charged with this portfolio are committed to taking real steps to address some of these issues. Budget 2006 provided $300 million for northern housing, $300 million for off-reserve housing, $150 million additional funds in the budget and a $320 million budgetary increase for the department.

Minister Prentice is also addressing the issue of clean water for many of the reserves, because in this day and age, unclean water is absolutely unacceptable, and why water has not been a priority in the past 13 years, I will never understand. It is absolutely unacceptable that people on reserves cannot get a clean glass of water to drink.

Senator Banks: I take it that, henceforth, this government will always have a fiscal framework in place before entering into negotiations on any government policies; is that correct?

Senator LeBreton: I have never said any such thing. If the honourable senator wishes to call this document an agreement, there was no agreement. If one wishes to carry forward with proposals that are agreed to, the next step, obviously, is to put a fiscal framework around them.

Hon. Joan Fraser (Deputy Leader of the Opposition): With all due allowance for the vigorous rhetoric that we sometimes use on both sides in Question Period, perhaps the Leader of the Government in the Senate might wish to withdraw her comment about "deathbed repentance."

The Kelowna conference was the culmination of months and months of preparation. Everyone knew the conference was coming and knew it was perhaps the highest priority of the then government. It is my recollection — although I stand to be corrected on this — that the then opposition parties in the other place all agreed that the meetings were so important that they would not overthrow the government until after that conference. That does not sound to me like deathbed repentance.

Senator LeBreton: I thank Senator Fraser for her question. I was borrowing the words of Tom Axworthy, and I will correct the record: As honourable senators will know, Mr. Axworthy is working on the blueprint for the rebuilding of the Liberal Party of Canada. He actually referred to the government's national daycare program as "deathbed repentance." At the same time, he referred to the gun registry as "an administrative disaster." I hope that corrects the record.

We had an agreement in which Mr. Martin committed to health care for our Aboriginal Canadians and never delivered a cent, and he had actually committed to that a year before. The words "deathbed repentance" were actually used by Tom Axworthy in relation to child care and not to the Kelowna accord.

Hon. Larry W. Campbell: Honourable senators, yesterday, the leader referred to the helicopter contract, which I will cover in more detail later. She stated that the Liberals cancelled the helicopter contract, and therefore, it was perfectly legitimate for this government to cancel the Kelowna accord.

• (1430)

There is either a contract or an accord or no contract and no accord. However, the leader said that the previous government cancelled the helicopter contract and, therefore, the current government was perfectly right to go forward and cancel the Kelowna accord. Would the honourable leader comment on that?

Senator LeBreton: The question was whether it was proper for governments to cancel contracts of previous governments. I had already stated that there was no fiscal framework for the Kelowna accord. It was not a contract.

As well, I said that we need take no lessons on this front because we had two examples of the previous government. Who could ever forget Mr. Chrétien saying, "zero helicopter"? Of course, there was also the issue over Pearson International Airport. I used those examples as reference. I believe that Senator Munson asked the question about whether this cancellation was a proper procedure to follow. I suggested that this government need take no lessons from his government on that front. Kelowna was not a signed contract and there was no fiscal framework. There was only good intention, which no one can argue with.

Senator Campbell: I have one additional supplementary question. I agree that Prime Minister Chrétien said "no helicopters." Of course, former Prime Minister Mulroney said that he did not know Karlheinz Schreiber either. I would like to ask what the difference is between a contract and an accord.

Senator LeBreton: The Kelowna accord, just three days before the election, was a statement of good intent because it had no fiscal framework and was not signed. The government and Minister Prentice take seriously some of the concerns raised in the Kelowna discussions.

Hon. Sharon Carstairs: I have a supplementary question for the Leader of the Government in the Senate. There would seem to be a major disconnect. During the 1993 campaign, Mr. Chrétien was absolutely clear when he said to the people of Canada that there would be no new helicopters because the fiscal framework did not allow it. We now have a Prime Minister who did not campaign against the Kelowna accord. Not having been open with the people of Canada on this issue, when will he be open?

Senator LeBreton: The honourable senator has helped to make my point. The Prime Minister travelled across the country during the campaign and talked about government policy on child care, on softwood lumber, on climate change and, on many occasions, the discussions on Kelowna. It was made clear that the government would bring in its own policy on these issues and not carry on with the failed policies of the previous government.

Hon. Willie Adams: I have a supplementary question with respect to the Kelowna accord. I was at the discussions for three days. I sat behind the Prime Minister. In attendance were

10 provincial premiers, three territorial leaders, some leaders from the Aboriginal First Nations, and Jose A. Kusugak, President of the Inuit Tapiriit Kanatami.

• (1435)

In the agreement, we agreed on $5 billion over 10 years for promoting the future. In the discussions with the premiers, we discussed people off the reserve and on the reserve and the social problems of the Aboriginal people. We also talked about water, and some communities were to get a few million dollars for upgrading some of those services. The premiers and the Prime Minister agreed that we would put aside another $500 million for upgrading the water services in the communities.

Before the election, Prime Minister Martin said he would put aside $5 billion for 10 years for the Aboriginal people. After he lost the election, it seems that maybe someone in the department put the matter away someplace. I do not know what happened.

Senator LeBreton: I thank the honourable senator for his question. All of what he said is true, but the sad reality is that the $5 billion was not put aside. There was no fiscal framework for the Kelowna accord. That is the problem. It really amazes me, because for 13 years, the government did very little to address the issue of Aboriginals or to improve the conditions about which we are now so concerned.

Before becoming Prime Minister, Paul Martin promised to make Aboriginal poverty a priority but, as with so many other issues, this important top priority was delayed and nothing was done. For example, as I referenced in an earlier answer, last November, when Paul Martin was at the Kelowna meeting talking about the poor state of Aboriginal health, the federal money promised one year earlier to address aboriginal health problems had yet to flow. This was one year later, and he had not even delivered on the $700 million he promised the year before, and then they talked about $5 billion in the Kelowna agreements. That is what is so sad about it, honourable senators, it was all talk and no framework, no nothing.

I think the honourable senator will acknowledge that Minister Prentice is trying to address this subject. There have been specific monies targeted in the budget to start to deal with the real concerns of Aboriginals, including dealing with living conditions, health concerns and the condition of the water on many of the reserves. As the honourable senator knows, following the budget, several leaders of the Aboriginal community, including the president of the ITK, congratulated the government for at least starting to make some concrete steps and progress towards addressing these serious issues. It will take a significant amount of hard work between the various levels of government to resolve them.

• (1400)

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to four oral questions raised in the Senate.

The first response is to a question raised by Senator Hays on April 27, 2006, in regard to climate change; the second is in response to a question raised by Senator Hays on May 18, 2006, regarding delays in the recruiting process; the third is in response to a question raised by Senator Ringuette on May 11, 16 and 17, 2006, in regard to the proposed softwood lumber agreement; finally, the fourth is in response to a question raised by Senator Carney on May 30, 2006, in regard to the proposed softwood lumber agreement, allocation of export charges.

THE ENVIRONMENT

CLIMATE CHANGE—
NEGOTIATIONS WITH THE UNITED STATES

(*Response to question raised by Hon. Daniel Hays on April 27, 2006*)

There is a strong consensus in the scientific community that an increase in greenhouse gases will result in warming of the planet. The debate pertains primarily to the details of future climate change, and the solutions that would work. Notwithstanding these discussions, the overall consensus amongst the global scientific community remains as provided in 2001 by the Intergovernmental Panel on Climate Change, namely that "There is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities." This Government agrees with this position. As the Minister of Environment has repeatedly stated, this Government disagrees with the direction that the previous government had adopted to resolve this serious situation.

NATIONAL DEFENCE

RECRUITMENT

(*Response to question raised by Hon. Daniel Hays on May 18, 2006*)

Expanding the Canadian Forces is a clear priority, and in Budget 2006 this Government committed resources towards this goal.

Recruiting, training, and retention are at the heart of our 'Canada First' defence plan.

The increased funding provided in the Budget will allow us to start to move ahead with our plan to add 13,000 new Regular Force and 10,000 new Reserve members to the Canadian Forces.

The Canadian Forces is committed to making the recruitment process as efficient and as straightforward as possible for applicants and it constantly strives for ways to improve its performance.

The Auditor General's recent study of delays in the recruiting process is based on recruiting data from 2003-2004. Since then, the Canadian Forces has implemented several changes to speed up the application and selection process.

For example, the Canadian Forces has modified the selection board process so that boards now occur at shorter

intervals. For certain critical occupations, selection authority has also been delegated to reduce the length of time required for the process.

The Canadian Forces has also taken steps to streamline medical processing to the greatest extent possible. The amount of time required for the processing of some applicants, however, will still depend on the availability of civilian specialists.

To address delays applicants face in the scheduling of the Canadian Forces Aptitude Test, the Canadian Forces is reviewing its testing policy and will be issuing new direction shortly.

In terms of physical fitness requirements, the Canadian Forces is looking at ways to reduce delays that some applicants face due to a lack of physical fitness.

The Canadian Forces is also actively seeking ways to reduce the delays that sometimes occur in security screening.

Overall, a concentrated effort to streamline the recruitment process is underway with full support and engagement by all senior leaders in the Canadian Forces.

NATURAL RESOURCES

SOFTWOOD LUMBER AGREEMENT—RESEARCH AND DEVELOPMENT IN FORESTRY INDUSTRY—VETTING CHANGES IN POLICY WITH UNITED STATES—AID TO FORESTRY WORKERS AND BUSINESSES—REQUEST FOR TABLING

(*Response to questions raised by Hon. Pierrette Ringuette on May 11, 16, and 17, 2006*)

In consultation with the provinces and industry, Canada is engaged in negotiations with the United States in order to finalize the agreement. We aim to table a Notice of Ways and Means motion before the House of Commons rises for the summer. There will be an opportunity for Parliament to review the agreement when legislation is brought forward at the conclusion of the negotiation process.

We will take the time necessary to secure a good agreement. While there is no deadline, we aim to complete the agreement in the coming weeks so that the benefits, including an end to border measures and the return of deposits, can start as quickly as possible. The sooner a final agreement is signed, the sooner we can bring stability to our industry and turn the page on this longstanding dispute.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT—ALLOCATION OF EXPORT CHARGES

(*Response to question raised by Hon. Pat Carney on May 30, 2006*)

Any money collected from export charges will be returned to the provinces subject to the terms of agreements between the federal government and provincial governments. The government will not provide money collected from export charges to industry as this would circumvent the terms of the agreement. Details will be determined in consultation with the provinces.

[*English*]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, on your behalf, I wish to welcome to the Senate a visiting page from the House of Commons, Laura Morrison, who is from Sault Ste. Marie. She is currently studying at the University of Ottawa, where she is pursuing a joint honours degree in history and political science.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

BUDGET IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Angus seconded by the Honourable Senator Eyton, for the second reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, before Senator Day speaks, with leave of the Senate and notwithstanding rule 37(3), I would ask that the 45-minute period of time normally reserved for the first senator to speak immediately after the sponsor of the bill not go to Senator Day, but be reserved instead for the Honourable Senator Eggleton, who is our official critic on this bill.

Hon. Senators: Agreed.

Hon. Joseph A. Day: Thank you, honourable senators and thank you, Senator Fraser.

I wanted to have the opportunity to speak on this matter and not to let a day go by without debate on such an important issue. I know our critic on this matter, Senator Eggleton, is unable to speak until next Tuesday.

Honourable senators, as the chair of the Standing Senate Committee on National Finance, I had an opportunity to listen to the honourable senator who is sponsoring the bill, Senator Angus. I had a chance the listen to his comments yesterday, and I have had a chance to review the bill prior to it being referred to the Standing Senate Committee on National Finance. I thought it would be helpful for honourable senators to spend some time reviewing some of the clauses.

Senator Angus pointed out yesterday that there are 13 parts to this bill and a total of 186 pages. At first glance, it would appear to be a daunting task. However, honourable senators will appreciate that in making amendments to the Income Tax Act and the Excise Tax Act, it sometimes takes many words to achieve an idea.

In reviewing the various parts of the bill, we will find that it is not as daunting as it first appeared, especially since many of the parts are a continuation of policies of the previous government. That will make our work in committee easier to deal with the various issues.

The other preliminary point is that there appears to be some confusion in the minds of some of us with respect to the difference between this particular bill — which is the implementation of some of the aspects of the budget — and the general debate that we have with respect to Budget 2006, which is before us in an inquiry.

Honourable senators will have followed the debate with respect to the inquiry. There are many issues that are raised with respect to the budget generally that can be raised in the inquiry, particularly items that did not appear in the budget. Therefore, some honourable senators are rightly raising some concerns. We have just heard the discussion during Question Period with respect to the Kelowna accord: the $5.1 billion, where is that? That is not in Bill C-13, the budget implementation, so we will not be dealing with that issue in this bill.

In regard to post-secondary education investments, there are significant reductions in what was the policy of the previous government. Environmental programs have a significant change from a policy point of view in that there is no funding for many environmental programs. However, in Bill C-13, we do not see that kind of statement; that is not what we are dealing with in this bill. Likewise, with arts and culture, we see neglect with respect to the budget.

The tremendous track record that was established by the previous government over a good number of years with respect to research and development, both private and at the university level and we are not dealing with that in Bill C-13, which is budget implementation. There is no mention, expenditure, or creation of a fiscal framework with respect to those particular items.

Honourable senators, perhaps in the short time available to me I might go through some of the parts of the bill. Perhaps the best place to start is with respect to Part 1.

Part 1 deals with a reduction of the Harmonized Sales Tax and the Goods and Services Tax from 7 to 6 per cent. That will be a matter of some considerable debate when and if this bill reaches committee. I look forward to that debate.

Honourable senators, the stated intention of the current government is to implement the reduction in the GST/HST on July 1, 2006. We will want to know if everything is in place for that initiative. We will want to know if there will be a reduction in the retail value of goods as a result of this measure; or if this is an initiative that will help the retailers with an additional profit but provide no reduction in the ultimate selling price of the goods. Those are the kinds of questions that I have no doubt honourable senators will want to address at the appropriate time during the committee hearing.

Honourable senators, Part 2 is an extensive part of this bill and deals with extensive changes to the Income Tax Act. One amendment recognizes the previous government's commitment, which is typical. Even if there is not a fiscal framework, if the federal government makes an announcement with respect to income tax reduction, from 16 to 15 per cent for the first category, other governments that come along typically would follow that.

That is what is being done for the first taxation year, which was 2005; then the tax will go up for this first category, which applies to everyone who pays taxes. The first category will go up to 15.25 per cent, and then in the next year to 15.5 per cent in the next year. It is clear what is happening. As long as the public understands that this is an increase in personal income taxes to help defer the policy decision to reduce the GST.

The second item is an increase in child disability benefits. I do not anticipate any major debate in that regard. There is an increase in refundable medical expenses and the elimination of the capital gains tax on charitable donations, which is an initiative that was already in place and that is being followed through.

• (1450)

Many items in this Income Tax Act were initiatives in the fiscal framework of November 2005. I made a point of going through a good number of them and they include expanding the eligibility criteria for the disability tax credit; expanding the list of expenses eligible for disability support, and many more, honourable senators. Many are a follow up on the November announcement last year. Therefore, when honourable senators start to delve into the details, they will probably find themselves *ad idem*, as my honourable friend Senator Angus is wont to say — in agreement — on a good number of points and I do not anticipate extensive debate in that regard.

The elimination of the federal capital tax on large capital holdings was an initiative announced previously, but this bill accelerates that elimination which I think most of us will find an acceptable position. In fact, our Standing Senate Committee on Banking, Trade and Commerce had recommended that very thing. That is another positive point in this bill.

Part 3, honourable senators, repeals certain taxes on jewellery, which had been announced previously. This bill accelerates that reduction, which again is a desirable initiative, assuming that there is the fiscal framework and the ability to meet those commitments. That is what we will have to test.

Part 4 amends First Nations goods and service tax. This is an initiative to allow First Nations to enter into agreements, accords if you will, with provincial governments to allow for the collection of sales tax by the First Nations. We know that the Province of Quebec already had that agreement and this particular initiative in Part 4 merely allows for other provinces, particularly in this instance, Manitoba and Saskatchewan, to do the same thing.

Part 5, honourable senators, amends the Excise Tax Act and harmonizes the way penalties are calculated and interest is calculated. —

Hon. Eymard G. Corbin: I am four seats away from Senator Day but I can barely hear him without having to pop up the volume of my hearing aid because of the many conversations in the Senate. Could we have some order, please?

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Will your conversation be in the reading room please, those who have important conversations.

Senator Day: Thank you Your Honour and Honourable Senator Corbin.

Honourable senators, I was moving along nicely with respect to the 13 parts so you will get a feeling for what is in this bill in principle. I am now at Part 5, which is another on-going initiative that is being continued to harmonize in various taxing statutes, excise tax, et cetera, the penalties and how interest is calculated. It is a good initiative that should be continued.

Part 6 will generate interesting debate. That is the creation of a new universal child care benefit act. It provides for a taxable payment to the parents of children under the age of six of $100 per month. There are various other consequential amendments in that part. We will undoubtedly want to hear from some witnesses in relation to that particular point.

Part 7, honourable senators, deals with federal-provincial fiscal arrangement, typically referred to as equalization. Honourable senators will be aware of the expert panel that just came forward with a report recently on equalization. Honourable senators will be aware of the accords that were reached with respect to equalization two years ago between the federal government and the provinces. Honourable senators will be aware of the debate since then and the expectations created by this particular government with respect to equalization and the so-called "inequitable balance" between the federal and provincial governments. That debate is not in Bill C-13. That debate will be forthcoming. Our Standing Senate Committee on National Finance is interested in that debate, and we have had a report on that subject. Honourable senators, Part 7 deals solely with the issue of up-to-date information, fiscal information, that has resulted in additional monies being available to certain provinces.

Honourable senators, Part 8 is a payment of $650 million to the provinces for the fiscal year. What is the payment for? The payment, honourable senators, is for the recognition of the accord, the agreement in principle reached by the federal government with the provinces in relation to child care and early learning. That program has been cancelled as of February this year by the current government. The program was in place, but there were no fiscal arrangements for it. The program was in place by virtue of agreements in principle reached by the previous government and the provinces and therefore, this is merely creating the fiscal opportunity and framework to pay the provinces for the funds they expected to receive this year until the program was cancelled at the end of this fiscal year. That is an explanation of that part and I do not anticipate an extensive debate on the payment. Honourable senators might have some comment with respect to the cancellation of the program but that is outside of this particular bill as well.

Part 9, honourable senators, of 13 parts is an area where we will be receiving witnesses because we have received several letters from affected private sector companies with respect to the changes with respect to insurance, and private companies versus Canada Mortgage and Housing Corporations' role in guaranteeing mortgage insurance. I expect we owe that to those who are affected to come and explain their situation and what they feel should be done.

Honourable senators, in part 10 there is an extension of sunset provisions in certain fiscal statutes. The statutes have not had an opportunity to be studied with respect to a proposal from the House and the Senate on where they should go from here. The sunset clauses will be triggered and therefore there is a need to extend the sunset clause to allow for parliamentary review.

Finally, — not finally, I am sorry — Part 11 amends the Superannuation Act.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt, but I must advise that the honourable senator's time has expired.

Senator Day: I wonder, honourable senator, if you could allow me approximately five minutes.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Day: Part 11 amends the Canada Forces Superannuation Act, an initiative in place previously that is desirable.

Part 12 enacts the Mackenzie gas project impacts act and provides funding for $500 million to compensate those communities along the Mackenzie Valley that are impacted by the building of the pipeline. We may want to study that part.

Finally, there are amendments with respect to European Bank for reconstruction that allows the bank to do certain work in Mongolia, which is close to my heart. Previously they did not have authority to participate in that work. It is almost like a basket clause like you see in some bills, or an omnibus bill. The Department of Finance has been looking for a number of amendments that have been put into this bill. None of them deals with the budget but this was an opportunity to obtain legislative authority for housekeeping-type activities.

• (1500)

Honourable senators, now that we have seen this bill, it does not, in my view, appear to be nearly as daunting, although we will want to deal with a good number of points in detail, which will be best done at committee. A good number of clauses in here will undoubtedly receive unanimous support once they are understood clearly.

Hon. W. David Angus: Will the honourable senator take a question?

The Hon. the Speaker *pro tempore*: Will the honourable senator take two questions, one on each side? Does that agree with the leadership?

Senator Angus: I am comforted by Senator Day's remarks and his realization that this bill is fairly straightforward, and that he appears to be on track to have that bill through here by June 23 so we can get these cheques for $100 to every single Canadian with a child of six or under. I can assure the honourable senator the documentation is in place and the cheques are ready to go.

I also ask him, is it fair to take from his comments that he agrees that this bill has nothing to do with dealing with the fiscal imbalance that exists in Canada?

Senator Day: Thank you, honourable senator. I do not agree that there is a fiscal imbalance in Canada. Therefore, I cannot answer the second part of your question.

Hon. Pierrette Ringuette: Honourable senators, I want to make sure that the committee will look into the reduction of the GST from 7 per cent to 6 per cent and how that will affect GST rebates to low income families. That issue has never been talked about. It is a concern for low income families, if the impact is a reduction in the GST rebates.

I also want to make sure the committee looks into how much of that $100 a month per child under six will be given back to the federal coffers through the income tax system. I want to make sure we have a fair estimate of that from the committee. Those two issues are important for low income families in Canada.

Senator Day: I thank the honourable senator for her question. She is absolutely right on both those questions. They are critical for the committee to understand the initiatives of this new government. I have no doubt we will explore both of those questions and many more related questions so that we can report back to the Senate as a whole on those important issues.

On motion of Senator Fraser, for Senator Eggleton, debate adjourned.

Hon. Anne C. Cools: No motion for adjournment was required. Senator Day was speaking with the acquiescence of Senator Eggleton. The adjournment falls back to Senator Eggleton, who has indicated he will speak on Tuesday. There is no need for a motion.

The Hon. the Speaker *pro tempore*: The motion is in the name of Senator Eggleton.

[*Translation*]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, An Act to amend the Constitution Act, 1867 (Senate tenure).

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, Bill S-4 is an important measure that places the issue of senate reform before Parliament for the first time since 1992 and in a highly intriguing manner.

Nonetheless, before sharing my thoughts on its history and impact, I will take this opportunity to say that the Prime Minister's attitude toward senators today cannot be seen as confrontational. The bill will not affect the rights, responsibilities and privileges of those currently sitting in this chamber.

[*English*]

Nor do I see it as affecting my ability to carry out my responsibilities to the end of the mandate given to me by our Constitution when I was summoned. Whether or not the bill as proposed comes into force will have no effect on me personally. Consequently, my views on this bill are guided only by reason and my own experiences as a parliamentarian, and not by any personal interest. I believe it is important to stress this point to reiterate the fact that the views expressed about Bill S-4 are not based on personal interest but, rather, are grounded in the involvement and governance of this complex federation that we all call home.

Though our homes may be separated from one another by so many miles that parliamentarians are comfortable thinking in terms of time zones of distance, we have respect and pride in our democratic system of government that has bridged these vast physical divides, and facilitates our cultural, social and economic differences so successfully that we are among the most admired and envied countries in the world.

It is in the context of how to best govern ourselves and manage our remarkable federation that my observations on Bill S-4 are put forward. I have no other motivation or interest.

Turning to the bill itself, I believe it is important to begin by reflecting on how it came before us. An important element in the platform of the Conservative Party is a reformed Senate, the principal element of which is that it will become an elected body. The Conservative Party's campaign platform states:

> A Conservative government will
>
> Begin reform of the Senate by creating a national process for choosing elected Senators from each province and territory.
>
> Propose further reforms to make the Senate an effective, independent and democratically elected body that equitably represents all regions.

During the election campaign, now-Prime Minister Harper vowed that under his administration future members of this chamber would be elected. On December 14, 2005, speaking in Vancouver, he said:

> The Prime Minister currently holds a virtually free hand in the selection of Senators. As Prime Minister I will use that power to establish a federal process for electing senators. Alberta has already held provincial elections for

> individuals aspiring to the Senate. A national Conservative government will establish a national process for senatorial elections in each province and territory on an interim basis.

Providing senators with an electoral mandate was a matter of deep personal commitment for Mr. Harper, to be breached, as we have seen, only when political expediency demands it.

[*Translation*]

I believe it is fair to say that all members of this house, regardless of political stripe, were anxious to know how the Prime Minister would go about achieving the goal of having an elected Senate, especially in light of his formal promise to do so, his statements during the election campaign and the assurances he gave that he would make these changes without changing the Constitution.

[*English*]

Instead of a proposal for an elected Senate, we have been presented with a plan whereby the current and future prime ministers will make more appointments to the Senate there ever before. We are told this is but the first step to a new elected and reformed Senate. However, we are left with no choice but to examine and consider the proposed constitutional change in the context of the current appointed and unreformed Senate because that is all we have been given to work with. At the same time, we must keep in mind that a promise of broad reform has been made and we are left to speculate on what that might be, in particular on the relevance of Bill S-4 to the anticipated next steps.

• (1510)

In any event, we all know that Senate reform is a priority of this government. It falls to us to give careful and thorough consideration to this important constitutional matter, just as we have done so many times in the past on other reform proposals.

In 1992, we had before us the Charlottetown Accord, which recommended the Senate be reformed and that senators be elected either in a general election or by the provincial legislatures. Every province would have six senators, while every territory would have one senator, and future seats would be determined for First Nations voters.

However, the Charlottetown Accord reduced the powers of the Senate. On matters relating to culture and language, passage of a bill would require a double majority; that is, a majority in the Senate as a whole, along with a majority of francophone senators.

The 1987 Meech Lake Accord, for its part, recommended that future senators would be chosen from among persons whose names had been submitted by provincial governments, while not mentioning powers or distribution of seats.

In May 1985, in response to the Senate's treatment of Bill C-11, the Borrowing Authority Bill, the Mulroney government tabled a resolution to amend the Constitution in order to curb the Senate's powers. It proposed to replace our basic veto over legislation with a 30-day suspensive veto on money bills and a 45-day suspensive veto for all other legislation. John Crosbie, the then Minister of Justice, claimed that he had the support of eight provinces, all except Quebec and Manitoba.

In 1978, the Trudeau government introduced Bill C-60, a proposal for creating a house of the provinces. That bill would have established the indirect elections of senators, half of whom would be elected by members of the House of Commons, and half of whom would be elected by provincial legislators representing parties in proportion to the party vote in the most recent provincial election.

The bill advocated a 60-day suspensive veto and originated the concept of double majority voting in areas involving linguistic matters. Perhaps most significantly, this initiative prompted the Supreme Court of Canada reference that will be referred to later. It is the Reference re Legislation Authority of Parliament of Canada. The citation, for those interested, is 1980 1 Supreme Court Reports, page 54. It is well worth the read.

However, unlike the initiatives I have described, the proposal before us seems as simple as it is brief, giving rise to serious questions and several concerns.

[*Translation*]

The preamble of Bill S-4 states that by virtue of section 44 of the Constitution Act, 1982, Parliament may make laws to amend the Constitution of Canada in relation to the Senate. In her speech on this bill, Senator LeBreton said that Parliament could move forward with this bill because of section 44 of the Constitution.

[*English*]

The importance of this claim with respect to section 44 is that if it does not apply, the government would need to proceed not by way of a bill, but by way of a resolution under the amending formula in 38(1) of the Constitution, which engages the provinces in the amending process.

The Supreme Court of Canada, in the case I gave the citation for earlier, reported in 1980 that the ability of Parliament acting on its own to make changes to the Senate was limited to modifications that would not affect its "fundamental features, or essential characteristics." Would altering the tenure of senators amount to such a modification? In the 1979 reference, the court was asked specifically whether it was, "...within the legislative authority of the Parliament of Canada ... to change the tenure of members of that house." "That house", of course, is the Senate. The court responded by stating:

> At present, a senator when appointed, has tenure until he attains the age of seventy-five. At some point, a reduction of the term of office might impair the functioning of the Senate in providing what Sir John A. Macdonald described as the "sober second thought in legislation". The Act contemplated a constitution similar in principle to that of the United Kingdom where members of the House of Lords hold office for life. The imposition of a compulsory retirement at age seventy-five did not change the essential character of the Senate. However, to answer this question we need to know what change of tenure is proposed.

From this quotation, there are three points that stand out. First, the court clearly stated that if tenure was decreased enough, one of the Senate's essential characteristics, which is to say providing sober second thought to legislation, could be impaired. Second, the court emphasized that the British North America Act contemplated that Canada should have a constitution similar to that of the United Kingdom, where the members of the upper house hold office for life. The members of the House of Lords continue to serve for life. Clearly, lengthy tenure in the upper house in the United Kingdom continues to be an essential feature of its Constitution. I need not go into a drawn-out discourse about why a lengthy tenure is so crucial beyond saying that it provides a strong guarantee of independence.

The third point I take from the Supreme Court of Canada decision is that the imposition of a compulsory retirement age of 75 for senators in 1965 did not change the essential character of the Senate. I can only surmise that, as a practical matter, whether one is summoned for life or until age 75, the length of tenure in either case remains a significant guarantee of independence.

Life tenure, although admittedly unusual, has not been the exclusive domain of senators. Until 1961, all federally appointed judges also served for life. This guarantee of their independence was provided for in section 99 of the BNA Act. In 1961, the BNA Act was amended to provide for the mandatory retirement of judges at age 75. The amendment to the Constitution for the mandatory retirement of senators was passed four years later. Currently, both judges and senators serve until the age of 75, although at one time both served for life.

Honourable senators, the bill we have before us changes the tenure of senators from retirement at the age of 75 to the fixed term of eight years that is renewable. What if this bill spoke not of senators, but of judges? What if this bill proposed that judges, who are also appointed by the Prime Minister, would not be appointed for eight-year terms and at the end of eight years they could be reappointed for another eight years at the absolute discretion of the Prime Minister? Is there anyone in the chamber who is prepared to argue that this would not strike very close to — perhaps not at — the heart of the independence of the judiciary? Would not such a change to the tenure of federally appointed judges have a profound impact on the essential character of the judiciary? Are we genuinely confident that the change in the tenure proposed in Bill S-4 to the members of this chamber would not have a similar impact on the essential character of the Senate? I do not know. That is one of the important questions to bring forward when we have this bill in committee.

As Mr. Harper has said, "The Prime Minister currently holds a virtually free hand in the selection of senators." In our current constitutional framework, the free hand of the Prime Minister will become even more powerful if Bill S-4 passed into law.

Fixed terms for senators are, I believe, a necessary feature of an elected Senate. That is what was promised by Mr. Harper, namely, an elected Senate. However, fixed terms for senators, where the power of appointment and reappointment continues to rest in the hands of the Prime Minister may be a different story, and one which could have unintended consequences, particularly if a national process for electing senators continues to remain something for the future; that is, not matched to the terms.

[*Translation*]

Honourable senators, we will have to examine other parts of this bill. I raised the questions that occurred to me. I am sure that my colleagues will want to study other aspects of this measure.

It is also essential that a Senate committee undertake an in-depth study of this proposed amendment to the Constitution to ensure a thorough examination of all relevant issues. Using section 44, as proposed in Bill S-4, raises some important questions that deserve the full attention and energy of the committee that will study them.

[*English*]

Honourable senators, I am hoping that when this proposal makes its way to committee, which I hope is soon, the testimony of government representatives and eminent scholars which we will hear will assist us in making our judgments on this interesting proposal.

• (1520)

The Hon. the Speaker *pro tempore*: Would the Honourable Senator Hays accept questions?

Senator Hays: Yes.

Hon. Lowell Murray: I thank the Leader of the Opposition for his thorough and well-balanced speech. I know there were some questions put to the Honourable Leader of the Government when she opened debate on this bill at second reading. Perhaps the Leader of the Opposition can refresh my memory. Is it his interpretation that the eight-year term of a senator who would be so appointed would be renewable?

Senator Hays: I thank Senator Murray for his question. My understanding is that the term is renewable. Further, my understanding is that the bill would eliminate the prohibition for senators to serve beyond age 75. However, for some reason it does not go the other way. I take that from a briefing that I had the benefit of and also, I think, from a response by Senator LeBreton along the same lines.

Hon. Anne C. Cools: I wish to thank Senator Hays for his remarks. I am aware that Senator Hays is from Alberta and that he is very attached to his Alberta roots. The issue before us is the question of the tenure of service of senators and not the rest of the changes that the government intends to propose, and certainly it is a piecemeal approach. They say that at age 40 women want to change their hairstyles. It is like a woman going to a hairdresser and saying, "I want a new look, a new hairstyle, but I do not really know where I am going, so take off this bit of hair here and I will come back next week and see how it looks, and then I will take off that piece there, perhaps, and then you can cut that one, and so on." I mention that because I have a friend who said that when she turned 40, she wanted a new hairstyle and a new sports car. It illustrates life.

It is important that when an assembly, especially an assembly of Parliament, is asked to consider, debate and vote on an issue, that assembly should know where you are coming from and where you are going to. In this instance, we know where we are coming from, but it is quite unclear as to where we are going with the Senate, and that causes me a high degree of anxiety.

My question to the honourable senator involves his connection to Alberta and Albertans' concerns about an elected Senate. I believe that their concerns about an elected Senate and representation are valid, but I also think that we have a duty to proceed on these questions appropriately.

In the honourable senator's research on this issue, and also in the long run on the question of an elected Senate, has he given any consideration to the possibility that there are proposals which are coming before us to move us into a situation where there would be an elected House of Commons and an elected Senate but headed by an appointed Prime Minister?

We live in a constitutional situation now where many Canadians have illusions that the Prime Minister is elected. Many people say it, and I also say it, only in the vernacular, that we are voting for Mr. X, for example, for Prime Minister, when in point of fact the Prime Minister of Canada is an appointment, just as senators are. I have a commission, letters patent on my wall, and he has that, too. The Prime Minister, after all, is the appointed first minister. It is a collegial relationship. The Prime Minister is supposed to be a first among equals; he is Her Majesty's first minister, which became the word "Prime Minister."

I know that the honourable senator has done research and work on this over the years. Has anyone looked at the issue that an elected House of Commons and an elected Senate simply could not be run by an appointed Prime Minister? It would not work, would it? Has the honourable senator studied the issue?

Senator Hays: As usual, Senator Cools has asked a provocative question. On the first point that she made of an element of Senate reform being put to us for consideration, as I tried to address in my remarks, that is a challenge for us because it invites the question: What are the other elements? Undoubtedly, when we have the opportunity, we will be pursuing that very question, and we may have an answer and we may not; I do not know.

It is interesting to note that Bill C-16, now in the other place, sets fixed terms for elections every four years, which would equal to two Senate terms if our term would be for eight years. I do not know whether there is a connection there. I suspect that is not a coincidence. We need to know more. We will ask that question. Whether or not we will get answers, I do not know.

The other question, which begs this question that some Canadians have —

An Hon. Senator: The hair question!

Senator Hays: It is more serious than hair or the absence of hair. The honourable senator's other point begs the major question: With an elected Senate and an elected house, why not go the full way and go to a congressional system? I have not seen that as speculation anywhere. That is not to say that that is not in some people's minds. We will perhaps hear from witnesses to that effect. I have not heard that, nor do I have any information to add that would be helpful.

Senator Cools: Much of this material I have read, but not recently. I am digging out my sources.

The honourable senator said that the House of Lords was appointed for life, but I wish to remind him that the members of the House of Lords are not appointed for life; their positions are primarily hereditary. Much of that is still in question.

Honourable senators, the BNA Act limits our powers to what was going on in the U.K. in 1867. Let us understand that. That is why I am looking at that. Quite frankly, I think that many of Mr. Blair's so-called reforms were a little off the wall, but governments have ways of carrying out ridiculous propositions. I have no influence there and I do not bother myself with it.

The intention of an upper chamber in our system was that its members would have longevity of service, longevity of tenure. That is indisputable, and that function recurs all the way through the Constitution. One also finds it in common law concepts. Remember, the mind of Parliament is a common law mind. The mind of the Senate, as is the mind of the House of Commons, is a common law mind. When it came to designing this phenomenon called the Senate, one of the Fathers of Confederation said that the design was intended to withstand regional and linguistic divisions in Canada. He said at the time that this Senate as designed would last as long as Canada would last. In other words, attempts to alter, correct or change the Senate could result in the undoing of the country.

• (1530)

Honourable senators will remember that in the Confederation debates about two minutes were spent on the design of the House of Commons and multiple hours and days were spent on the Senate.

The Honourable Senator Hays said that the House of Lords tenure of service is life but it is not; it is hereditary. If you were to look through the records, you would see there were many Lord Lansdownes.

When it came to putting together the BNA Act, we have to understand that the honourable gentlemen of Confederation opted to leave it to Canadians whether or not they wanted to create a hereditary system but did not choose to impose those systems on us via the Constitutional Act, 1867.

One reason they imported this concept of longevity in the Senate was that they clearly understood that Canada was a confederation, that they were putting together a federation. Honourable senators must remember that the Parliament in the U.K., is the parliament of a unitary state. The Fathers were attempting to put together a Constitution for a confederation. Most of the Constitution Act, 1867 was written in Canada, something which many Canadians forget. It developed out of the 72 Quebec resolutions.

Part of the reason the Senate was designed the way it was and given strong powers in respect of financial legislation, unlike what was happening in the U.K., was because the Fathers of Confederation understood that the House of Commons as they were designing it in Canada was very much the House of Commons of a unitary state. The principles of federation would be embodied in the Senate, complete with the total veto over financial legislation and with total powers wider and larger than those of the House of Lords of the U.K. The Fathers intended that this longevity would serve as a stabilizing force in the maintenance of the confederation.

The notion of federation came about as a result of the rebellions in Upper and Lower Canada and the troubles in the two Canadas. It was Lord Durham who first proposed the notion of the federation.

What bothers me about many of these debates or proposals is that they act as if you can take one simple little item in a Constitution and make a change, which relates to the entire system as a whole, ignoring the fact that the entire system, which is the Constitution has a design, balance and totality, and it has to be looked at as a whole.

I am not saying that we should not have constitutional amendments or changes. We should revisit many of the premises of 1867. The change proposed before us is an amendment to a phenomenon of 1867. It is not attempting to change the entire premises in total, but it is pretending to make a change without changing anything else. That is what is wrong with it; it is a pretender. That is one of the reasons I have difficulties.

In the opinion of the honourable senator, is this proposal consistent with the entire design and purpose of the Constitution?

Senator Hays: The honourable senator has made some good points. In passing, I might observe on the term of office for members of the House of Lords, I was quoting from the Supreme Court reference case. The words used were that they "hold office for life," which is consistent with hereditary or life appointment.

As we know, the House of Lords has gone through profound changes in the 20th and 21st centuries. Currently, there are only 92 hereditary peers left. They are to go. In fact, they are close to electing the Lords if you listen to the Blair government.

The process by which they have made these changes is instructive to us in terms of the Wakeham commission and what flowed from it. The independent appointments commission, the method of appointment and the devolution of powers in a unitary state are all fascinating. I recommend them to all honourable senators.

It is not my opinion that counts as to the relevance of life term to or what the Senate was designed to do and what is repeated in the Senate reference case. Rather, it is the court's opinion that counts.

Hon. Hugh Segal: Honourable senators, if one accepts what Senator Bacon, former Prime Minister Martin and others have said on this issue, any fundamental change with respect to the composition of this place and the way in which people arrive at this place requires constitutional negotiation and constitutional agreement. It follows there from that the only legislative option to any government that sought to vary the means by which a Prime Minister could choose for the purpose of appointing or recommending to Her Majesty the summons of an individual to this place would be a permissive proposal relative to an election process to produce a list of nominees from which a Prime Minister might choose for each vacancy. In that context, accepting that condition as the constraint under which any government of any affiliation would be governed, does that cause the honourable senator any reason to reflect upon producing some parity with respect to term limits between the other place at four years and this place at eight?

Senator Hays: The words "permissive proposal" are key in the honourable senator's question. I assume he refers to some sort of election of senators. The question also raises interesting questions of constitutionality and would, I am sure, be interesting to members of the House of Commons with regard to the way power is shared now and the dominance of that House in most legislative matters. Members would be interested in whether a permissive proposal would be constitutional or not.

I think the court might be interested as well. One would have to look at it. I do not know whether that helps the honourable senator or not.

There may be a way of doing it. If everyone agreed and no one challenged it, it would work. However, I suspect that would be even more difficult than achieving constitutional change.

Hon. Roméo Antonius Dallaire: Honourable senators, much of the content of the bill speaks about the stagnation of minds, the lack of initiative and the new ideas that are required. That is the reason for shortening the tenure.

Senator Hays indicated he would seek expert advice when this matter is referred to committee. Is it sage on the part of the honourable senator to seek such technical expertise from academics or professors. More than likely they will all have tenure, and they can serve *ad vitam aeternam*.

Senator Hays: That, too, is another brilliant suggestion. We will look forward to hearing from academics, with or without tenure.

• (1540)

Hon. Pierrette Ringuette: I am speaking about what I have heard from New Brunswickers, and that is a significant amount of confusion, because they were told that Senate reform would start with Senate elections. Yet, the only bill we have deals with tenure. To add to all of this confusion, Premier Lord announced yesterday that he would hold senatorial elections at the same time as municipal elections. Only 72 per cent of the population of New Brunswick lives in incorporated areas and would be allowed to vote in this process. Imagine the confusion. It is like a jigsaw puzzle.

I hope that all this confusion will be alleviated in committee so that people will understand what we are dealing with.

Senator Hays: The honourable senator is right. One wonders how democratic those processes are.

In Alberta, we have had two Senate selection processes in conjunction with municipal elections and one in conjunction with the provincial general election. The rules are not very precise. In one of them, only one party fielded candidates along with some independents. Permissive proposals can be flawed. In order to respect the democratic principles that I know we would all want to have observed, we should all pay special attention to this interesting matter if we have the opportunity to do so. I am not sure whether it presents itself before us in the matter of mandate of senators as a standalone question.

Hon. David Tkachuk: The honourable senator spoke of longevity of service as one principle in the independence of the Senate. Yet, many senators were appointed for seven years or less, and they were good senators. There is no minimum time for which a senator should be appointed. I would hazard the guess that senators were initially appointed at a much later age, given that they were to serve until they died.

I do not know specifically what the average age of members of the House of Commons is, but we may be surprised to know how long some members remain there. Don Mazankowski served for 25 years. Senator Gustafson served as long in the House of Commons as he has been in the Senate, and he has three more years to serve here.

Is there any evidence to show that this place is any more independent than the House of Commons on votes?

Senator Hays: With regard to senators who were appointed close to their seventy-fifth birthday, I agree that they served very well and with distinction. The real issue is not so much what we think, although that is important, but rather what Sir John A. Macdonald thought and what the court adopted in terms of the interpretation of our Constitution and its applicability to the post-1980-82 Constitution. That is the so-called purposive approach to determining what is meant, as opposed to interpretive, which is just looking at the black letters and saying, "That is what it says. I interpret it this way and we will do that."

The court went beyond that. They said that they are interested in more than only the words; they are interested in how the words got there and why they are there. That will be the interesting question for us.

[*Translation*]

Hon. Claudette Tardif: Honourable senators, I rise at second reading stage of Bill S-4 to discuss certain issues that I feel the government should consider during its study of this bill.

I do not think that limiting senators' terms is bad in and of itself. However, I wonder why the government chose to limit them to eight years. Some studies, including one conducted by the Canada West Foundation in 1981, have recommended that terms be limited to two parliaments.

That said, in their questions for the minister, some honourable senators rightly pointed out that eight years may not be long enough to ensure that the Senate remains independent, which is essential to enabling us to do more thoughtful, better-researched work free from partisan and electoral considerations. We must therefore examine this issue more closely when the bill is before a committee to ensure that the proposed length of term will not have a negative effect on the Senate's independence and its ability to do in-depth work.

The minister also stated in this house that this bill is an important first step in a broader reform of the Senate that the Prime Minister is planning to carry out in the long term. However, to proceed in this way is to ignore an important point made by many political scientists: the Senate is part of a set of institutions, a system, as professor David E. Smith describes it. As Mr. Smith explains, proceeding with reforms without considering and understanding that system could be detrimental and have an unexpected impact on other parts of the Canadian political system.

[*English*]

As Gordon Gibson highlights in a 2004 study for the Fraser Institute:

> Political systems are highly complex.
>
> ...
>
> The observed consequence of reform of anything in such a system is that when you change one thing in order to achieve a certain objective, you are likely to find you have unintentionally changed other things as well.

David E. Smith also states that, "one reason why reformers are forever frustrated is that they fail to see our political system as a system that serves not single but multiple interests."

Therefore, to change the length of terms without considering other aspects of Senate reform and without a clear understanding of reforms to come could be prejudicial to the functioning of the Senate and of Parliament as a whole.

[*Translation*]

This bill does not address the distribution of seats, the method of selecting senators or regional and minority representation, which are all important issues to consider in any attempt to reform the Senate.

The minister indicated that this is a first step — that is good — but that does not tell us what sorts of changes are to come. Moreover, when any reform is proposed, we, as senators, and the government must always bear in mind that the Senate must continue to represent minorities effectively.

[*English*]

How can we study and consider thoroughly the impact of this legislation on our parliamentary institutions when we do not have a full understanding of the changes to come? While piecemeal Senate reform has the advantage of bringing about some gradual changes, it can also create unforeseen or additional problems which, in the end, may leave Canadians even more frustrated with their parliamentary institutions.

• (1550)

[*Translation*]

I mentioned in passing that this bill does not address the issue of regional and minority representation. I think it could be harmful to proceed with reforming the Senate without truly knowing what the future reforms will be and understanding them and without considering the impact on regional and minority representation.

In every debate on possible Senate reform, regional representation is very important and draws a lot of attention. We must not forget that our role to protect minorities is also very important. We must always bear in mind that when it comes to Senate reform, we have a responsibility to consider and defend the interests of minorities.

As I have said many times, the Senate increases the representation of the minorities that are underrepresented in the House of Commons, namely women, Aboriginals, vulnerable persons and francophone minorities. Furthermore, David E. Smith said that the Senate must complement the House of Commons and not be a carbon copy.

For example, women currently make up close to 37 per cent of the members of the Senate, which largely surpasses the 20 per cent of women currently sitting in the House of Commons. Since senators have worked in a wide range of professional fields, including the media, law, teaching, business, health, academia, arts, culture and many others, the Senate's composition is diverse and differs from that of the House of Commons, ensuring that it is representative of minorities and Canadian society in general.

If this bill is just the beginning on a path leading to the election of senators, we must consider right now the impact it could have on the representation of women, Aboriginals and official language communities in a minority setting. Francophone communities in a number of provinces, namely Ontario, New Brunswick, Nova Scotia, Manitoba and Alberta, have almost always, with minor exception, been represented in the Senate.

For example, Manitoba has almost consistently had a francophone senator since 1871. Ontario and New Brunswick have almost always had at least one if not two francophone senators since 1887 and 1885 respectively. Alberta, my home province, had a francophone senator almost consistently between 1906 and 1964, a representation that resumed with my appointment.

The first Aboriginal senator was appointed in 1958. Would the French-language minority communities, which, in some provinces, have been enjoying representation since the 19th century, no longer be represented in the Senate? And what about Aboriginal people and women?

Any future initiative to have senators elected is likely to raise obstacles similar to the ones that were faced by women, Aboriginal people, visible minorities and French-speaking minorities in the other place. There is therefore a real possibility that the Senate would deprive itself of a great diversity of expertise, viewpoints and knowledge, should the impact of any Senate reform on the representation of the minorities across the country in our parliamentary institutions be ignored.

Judging from the experience of the House of Commons, there is every reason to believe that it would be a challenge. Also, let us never forget that, despite good intentions, it is difficult for a majority to always make sure that the voice of the minorities is heard. As Janet Ajzenstat pointed out, and I quote:

[*English*]

In most political systems, the rights of the majority take care of themselves.

[*Translation*]

I therefore suggest, honourable senators, that you give this more thought. In future debates and committee proceedings, I would encourage you to consider the impact of this bill or any other Senate reform on minorities, especially since we are, after all, defenders of minorities.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Will Senator Tardif take questions?

Senator Tardif: Yes.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I congratulate Senator Tardif on her excellent speech. My question will almost take the form of a comment, but the honourable senator will forgive me, I am sure, for speaking for my own bailiwick.

The honourable senators from Quebec represent regions so that Quebec's English-speaking minority is represented. That is how it was originally intended to be, but the 1867 forecasts are no longer appropriate. Because of population movement, it is almost theoretical to say that these districts protect minorities now.

When Senator Tardif speaks of this outside of the Senate, will she also bear in mind the other linguistic minority represented in this chamber?

Senator Tardif: Absolutely, given that when speaking of official language minorities we most definitely must not forget Quebec Anglophones.

Hon. Marcel Prud'homme: Honourable senators, allow me to give a brief history lesson. We must remember that, in 1867, there were 72 senators: 24 for Ontario, 24 for Quebec, 12 for New Brunswick and 12 for Nova Scotia.

There were problems from the beginning. Of the 12 Nova Scotian senators, there were no women, no Acadians and no French Canadians. Of the 12 senators from New Brunswick, there were no Acadians. Of the 24 Ontario senators, there were no French Canadians or women. And I believe there were no more than seven English-speaking senators among the 24 Quebec senators. Thus, of these 72 individuals, imagine how few were French Canadians and, of course, there were no women at all.

Under Mr. Chrétien or Mr. Martin, every time there were Senate appointments — in an effort to bolster female representation — I would ask them to only nominate women until we attained the numbers of 53 women and 52 men, and then to replace them accordingly.

• (1600)

With a critical mass of women in the Senate, those women could then be asked to seek other women in the House of Commons to elect them. Do you think it would it be possible to direct this debate and ask the Prime Minister to make the seven appointments immediately? Only women need apply.

What I just said implies moving toward having 53 women appointed, which would not prevent the upcoming reform. If we start talking about "elected, equal, efficient," we could have discussion upon discussion and nothing would be done. I am against an elected Senate. We can be efficient in the Senate. I am against equality if it means equality among the provinces. I went through the previous reform. I was a member of the House of Commons.

[*English*]

I was a young member for the other place, the House of Commons when Mr. Pearson went from lifetime appointments to 75 because that is all we could sell. He wanted more than that. I was there. We would ultimately like real reform in the Senate, but in the meantime, women need only apply until we reach that goal of 53 women and 52 men. That does not mean we should not continue discussing the reform of the Senate at a later date.

[*Translation*]

Senator Tardif: Honourable senators, Senator Prud'homme raises a number of questions to which I do not have the answers. It is important to have more women in Parliament, in both the Senate and the House of Commons. There are many suggestions for how to go about this. The process of making appointments to the Senate allows for a certain degree of discretion, in that appointments can be made specifically to address gaps or areas of weakness.

I hope that the committee will reflect carefully on some of the questions I raised and that you so eloquently raised as well.

On motion of Senator Cool, debate adjourned.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Second reading of Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes).—(*Honourable Senator Comeau*)

Hon. Terry Stratton: Honourable senators, I am pleased to speak today at the second reading stage of the bill presented by my honourable colleague from New Brunswick, Senator Ringuette.

[*English*]

The bill in question is Bill S-201, an act to amend the Public Service Employment Act. It contains two major parts, which I will address today.

The first part of the bill would disallow the use of geographic criteria in determining an area of selection for hiring by the Public Service Commission. This part is a response to public service job postings that have words to the effect of, "Open to employees of Health Canada residing in the National Capital Region."

This issue has been a major concern of Senator Ringuette's during the year she has served on the Standing Senate Committee on National Finance, and she is to be commended for continuing to bring it forward. I am sure that those government officials and Treasury Board presidents who did not know her no doubt left committee meetings wondering whose side she was on. In effect, the bill would create in the legislation what is known as "a national area of selection for all selection processes." Anyone from anywhere in Canada would be allowed to apply for any job open to the public by the Public Service Commission.

The second part of the bill deals with bureaucratic patronage. Bill S-201 includes a clause specifying that all appointments to and within the public service would be free from bureaucratic patronage. In addition, the Public Service Commission would be allowed to define bureaucratic patronage in its regulation.

[*Translation*]

I would remind you that this bill came before Parliament previously as S-44. Can we deduce that the honourable senator did not feel her own government took her concerns seriously?

[*English*]

I would like to focus first on the matter of using geographic criteria to determine an area of selection from which to draw possible employment candidates. As my colleague rightly pointed out:

> The Public Service Commission uses geographic criteria to define eligibility for internal and external public service competitions.

She then continued:

> This current selection process limits access by all Canadians to public service jobs.

You may recall that during the passage of the Public Service Modernization Act in 2003, the question of whether the Public Service Commission should exercise its discretion to establish or not to establish a national area of selection during its hiring processes was a matter of much discussion. At the time, it was raised by several members of Parliament in the other place, especially those from the opposition, such as Paul Forseth and Norman Doyle, two gentlemen from areas of the country that are about as far from the national capital region as you can get.

[*Translation*]

That is a very valid point. Access to employees was limited, but that is not the whole issue.

[*English*]

Some practical matters must be considered when opening up an area of selection to the entire country. Senator Carstairs, then Leader of the Government in the Senate, provided the defence of this system in June 5, 2003:

> Often when jobs are open for competition across Canada, managers receive literally thousands of applications. The commission has lacked the physical capability for handling this volume of interest promptly enough to enable managers to respond to changing needs and priorities.

Back in December 2001, the Auditor General pointed to the difficulty of implementing a national selection unless we were properly prepared. As she stated in her report:

> In our opinion, without appropriate changes to recruitment systems and tools, broadening the area of selection could make the existing system even more cumbersome and thus increase the use of short-term hiring.

I would also like to point out that the picture is not as bleak as we have been led to believe. In fact, several policy steps have been taken to help resolve the matter.

• (1610)

[*Translation*]

Since 2001, there has been a national area of selection for director and senior executive jobs that are open to the public.

[*English*]

Four pilot projects dealing with national areas of selection were undertaken by the Public Service Commission in 2002. The commission tabled an active plan of phasing in a national area of selection in 2003. As of April 2006, the government began phasing in a policy of making other office level jobs open to the public here in the National Capital Region subject to a national area of selection. This includes positions such as auditors, commercial officers and statisticians. The plan is to further expand this next April, following an impact assessment. The goal is to ensure that by the end of next year, all jobs for all other occupational groups and levels that are open to the public across Canada will be subject to a national area of selection.

Clearly the Public Service Commission is already taking care of this matter. The question is whether it should be done through legislation rather than through policy, which is how the commission is approaching it, or should we wait for the five-year review of the act when we have had more experience working with a national area of selection. It seems that these matters must be brought up at a committee.

As a final point on this matter, I should like to remind honourable senators that in 2003 the previous government reaffirmed the principle of geographic criteria by the Public Service Commission in the context of the Public Service Modernization Act. However, when the National Finance Committee met to consider Bill C-25 back in 2003, Senator Ringuette made it quite clear to the minister that she was not impressed with her own government's record or the legislation. She began by telling Minister Lucienne Robillard,

> Madam Minister, for at least ten years now, I have been receiving and transmitting, with a great deal of vigour, general complaints from the public with respect to geographic area restrictions.

She then tore a strip off her own minister, stating,

> Today, with geographic restriction areas, it is not only the fact that the job opportunities are being taken away from all citizens. You mentioned that you received representations mainly from Atlantic region parliamentarians. I am sorry to say that not only the Atlantic parliamentarians but also senators and parliamentarians from throughout the country, and not from any particular region, are very disappointed with this geographic area criterion. A considerable pool of talent is thus excluded and prevented from working in the federal public service.

She also said that she found the clause in her government's bill that continued the regional hiring criteria to be unacceptable, stating,

> As a senator responsible for giving sober second thought to bills, in view of the grievances I have raised for the past decade, I cannot accept clause 34.

However, her objections, quite clearly stated, failed to sway the minister.

I should now like to discuss the second part of Senator Ringuette's bill, which deals with the bureaucratic patronage. Specifically, Bill S-201 would require that appointments made by the commission would be free from bureaucratic patronage and that the commission would be allowed to define "bureaucratic patronage" in its regulations. I share with the senator her dislike for patronage, along with scandal and the misuse of taxpayers' hard-earned dollars. It seems that most Canadians feel as I do, judging from how they voted in the last election. However, there are a couple of problems in Senator Ringuette's remarks.

For example, the Public Service Employment Act, largely, deals with bureaucratic patronage. Under the act, abuse of authority, which is grounds for complaint to the Public Service Staffing Tribunal, includes personal favouritism and bureaucratic patronage. If we were to introduce a reference to bureaucratic patronage as suggested by this bill, we would be bringing redundancy into the act. As we are all aware, redundant legislation is not necessarily good legislation.

In addition, allowing the commission to define bureaucratic patronage includes a major change into the act. Currently, abuse of authority is determined on a case-by-case basis by the Public Service Staffing Tribunal, and the commission is a party to all cases before the tribunal. However, Senator Ringuette's bill would give the commission the power to change the meaning of

"abuse of authority" if it disagreed with the findings of the tribunal. This could possibly tangle relations between the commission and the tribunal into a knot, with ripples extending throughout Ottawa. Just think of the unintended consequences. Is it appropriate to give someone who lost a case before the tribunal the right to then change the rules on which the decision was based? If so, what is the point of establishing a tribunal in the first place? Rather than bringing clarity and certainty to the matter of bureaucratic patronage, I am concerned that this bill might muddy the waters and leave us in a mess.

[*Translation*]

I would like to point out that the current government has already begun to clean up the mess left by our Liberal predecessors.

[*English*]

It has not been easy. At least one attempt to bring more accountability to the way out government operates has been foiled, although it does not relate directly to the public service. I am talking about opposition members' behaviour at the House of Commons Standing Committee on Government Operations and Estimates in a review of the nominee for the position of Public Appointments Commissioner. Perhaps the less said about that the better. I only hope that was an isolated example of partisanship driven by the need to score political points coming in the way of improving the accountability of our nation's government.

As you are aware, honourable senators, improving accountability is a big part of what our new Conservative government believes in. This is clear in the Federal Accountability Act, which contains several provisions that address the whole matter of patronage. The FAA will give us a strong conflict of interest and ethics regime to restore confidence in our government. The FAA includes a new conflict of interest act that will lay out tough rules for public office-holders and make a law out of the current conflict of interest and post employment code for public office-holders.

[*Translation*]

Thanks to the Federal Accountability Act, ministers' staff will no longer be able to join the public service without first winning a competition.

[*English*]

These are just a few of the measures included in the act intended to smash once and for all the unbelievable examples of fraud, flagrant misuse of taxpayers' dollars and utter lack of accountability that marked the last 13 years. The time for honest government is better now, and I am sure that given the honourable senator's desire to eliminate patronage, we can count on her support for the federal accountability act when it comes to the Senate.

[*Translation*]

Hon. Pierrette Ringuette: Honourable senators, I would first like to congratulate my honourable colleague for his eloquence, his endurance and his persistence in speaking French. He has an excellent accent, and I encourage him to continue. However, I do not agree with his comments, either in English or in French, and I have some questions for him.

[*English*]

This is not really my bill; this is a bill for all Canadians. It is not for me. It is for Canadians who are out there looking for a job, especially our youth, who have good qualifications and could provide such service to this government and to our nation.

• (1620)

Senator Stratton: The honourable senator must ask permission. I did not hear that and I did not respond so I have time for one question.

The Hon. the Speaker: We are at the point of Senator Stratton has spoken and we typically rise if you wish to ask him a question he will have to decide whether or not to answer the question. Comments are allowed.

Senator Ringuette: After the compliments I gave him, I think I will need to ask him a question.

Senator Stratton: There is about a minute left.

The Hon. the Speaker: All of that must be done within the 15 minutes that Senator Stratton has and that 15 minutes have expired according to the table. Unless Senator Stratton asked for an extension of his time.

Senator Stratton: Perhaps one question.

Senator Ringuette: I have one question. Yes, I have been fighting for all Canadians and, yes, there has been progress, but not enough. Opening up jobs only in the National Capital Region is not enough because the Charter of Rights provides for mobility rights from coast to coast to coast and that should be included in all the processes of this federal government. Therefore, a policy is not sufficient. There is a policy at the commission to require deputy ministers to provide human resource planning and only 23 per cent of them have provided that.

The other issue is that bureaucratic patronage is alive and well. Yesterday I received a message from an employee who said that he hopes that I will pursue this issue because it will limit the freedom to hire staff in the old, tried and true way. In his workplace, a manager employs all three of his children during the summer. Two of his superintendents have their respective children employed as well.

We need legislation. Will you help us? That is the question.

Senator Stratton: The simple answer is yes. Typically, when we are dealing with those kinds of questions — and I was on the other side not long ago asking similar questions — I know that you need patience and there is a solution in process but it needs time to be measured and I suggest that we do that.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Senator Stratton noted that Senator Ringuette had been quite consistent when she served on the Finance Committee. I can vouch for that as well. However, another senator who has been

consistent on the whole issue of appointments is Senator Oliver who has asked me to take the adjournment on his behalf so that he may make some comments on this subject.

On motion of Senator Comeau, for Senator Oliver, debate adjourned.

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Committee of Selection (membership of Internal Economy Committee) presented in the Senate on June 7, 2006. —(*Honourable Senator* Stratton)

Hon. Terry Stratton: I move the adoption of this report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Munson calling the attention of the Senate to the issue of funding for the treatment of autism.—(*Honourable Senator Di Nino*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I had a discussion with Senator Di Nino and he has given his assent for me to speak today.

I am pleased to speak within the context of the inquiry given notice on April 27, 2006 by Senator Munson regarding funding for the treatment of autism. I wish to speak to autism as I understand it. I will cite personal examples and review the Canada Health Act as it applies to autism. Finally, I will conclude with several suggestions that may be a prudent approach for the Senate of Canada with respect to this inquiry.

What is autism? This mysterious abnormality is not one diagnosis, but it is a spectrum of disorders including: The original diagnosis of autism, Asperger's Syndrome; pervasive developmental disorder, not otherwise specified; and a much more rare disorder, childhood disintegrative disorder.

Autism has been described as an intellectual thief. Can we identify the cause and restore the stolen potential? How soon must we act? How and what should be done? Who should take this responsibility? How much should it cost and how will the funds be obtained and allocated?

We need to think in terms of health care, early childhood intervention and education. We need to think as parents and extended family, as society and as government.

Frequently the Canada Health Act is raised vis-à-vis autism. Autism is not specified as an "insured health service." The Canada Health Act covers insured health services that include hospital services, including two types specified in the act, which are medically necessary for the purpose of maintaining health, preventing disease or diagnosing or treating an injury, illness or disability. It includes physician services which are any medically required services rendered by medical practitioners and certain surgical-dental services performed in hospitals. Individual disease entities are not named in the Canada Health Act. The overall designation is medically necessary or medically required. It is a fact that medically necessary services in relation to the treatment of autism, performed by physicians or other health care practitioners, in hospitals or physicians' offices are covered by the Canada Health Act.

Family doctors, pediatricians, neurologists and other health care practitioners spend much time with these children and their parents observing, testing and examining, all to arrive at a diagnosis to recommend the treatment process and to follow the child's development, his or her progress, and to support the parents.

I know whereof I speak. Early diagnosis is key. I am passionate about early diagnosis and early intervention.

Our children deserve nothing less and parents deserve nothing less. Early diagnosis is close to my heart. The last diagnosis I made in my medical practice in 1994 was autism. This did not happen easily or soon enough. The child was three years old; it should have happened 18 months earlier. The signs were there as early as six months. They became more obvious with each day. There was hope by the parents that they would wake up one morning with a positive sign, a sign that words would come, there would be eye contact, that snuggling would be comforting and that their precious child would smile.

We have progressed since 1994 when I made that first diagnosis of autism in my career. Fifty years earlier, in 1944, Dr. Hans Asperger in Austria identified Asperger's Syndrome, but it, too, only found its way into psychiatric diagnostic manuals in 1994. Before Asperger's, in 1942, classic autism was first recognized.

Even today the understanding, the diagnosis and the treatment of autism progresses at a snail's pace because this neurological disorder is evasive in its perplexity, varying from one child to another. We do not know the cause, although theories and possibilities abound. Often we are not sure of the best treatment because, again, what can help some patients learn and become socially integrated is not necessarily the only course of treatment or the best one for every child.

The February 28, 2005 issue of *Newsweek*, had a baby on the cover, with this title: "Babies and Autism — why new research on infants may hold the key to better treatment."

The article continued:

> What to watch for... smiles, response to sounds, playing peekaboo, bye-bye, clapping, "ma" and "da", and by 18 months, toy phones, pointing, words, and by 2 years, 2-4 word phrases, an interest in other children.

• (1630)

Honourable senators, parents, extended family, neighbours, family doctors and paediatricians all can help to make the diagnosis, so that early intervention, early childhood development programs, family support, and more, can begin — one little step at a time — to overcome the sad reality of autism — to give hope for productive and fulfilling lives, hope that each child will reach his or her own potential.

Again, from this article:

> In the complicated world of Autism, where controversies reign and frustration festers, a two-word rallying cry is growing louder by the day: early diagnosis.

In 2005, the U.S. Centers for Disease Control and Prevention launched a $2.5 million autism awareness campaign with this slogan, "Learn the signs. Act early."

Canadian families deserve nothing less. The anti-stigma campaign to break down the walls of silence around mental illness, proposed by the Standing Senate Committee on Social Affairs, Science and Technology, is an example of the road we must walk as Canadians. Autism is not a mental illness. It is a neurological disorder of the brain. Yet, the challenge is similar.

I am very close to a little boy in my town. Does he have autism? No one is really sure. The delays in his development have been profound in selective areas, yet he has provided clues all along the way that he is very bright. Expressing his mind, expressing his love and turning all of this into action have posed formidable challenges.

Now at age 5, it is exciting to be with him because there is so much change, so much hope. How did that happen?

For several years, he has had speech therapy several times a week. He has had the regular intervention of a childhood interventionist, a specially trained social worker, observing closely what was missing and correcting that slowly, one step at a time — repeating over and over again the simplest tasks, always with a clear goal.

Most activities, like riding a tricycle, took months to master. Banging a puck with a hockey stick like his brothers was an enormous breakthrough. Dressing and undressing have been less urgent than social skills. Every word from this child is a gift.

The family was made full partners in all of this. They were empowered. In addition to the parents, grandparents, aunts and uncles gave hours of each day to his special needs. They became proud of their child, their story and his story.

Sadly, too often, this is not the case: so much hope for some and so little for others.

I was struck two days ago by a headline in the *New Brunswick Telegraph Journal*: "Autistic teenager jailed after alleged assault on foster mom." I quote:

> An autistic teenager prone to violent outbursts has been sent to ... jail ... after an act of violence his mother says is a symptom of his illness. He has been ordered to undergo a 30-day psychiatric assessment. His mother says she'd been told her son ... has been diagnosed with a form of autism called Asperger's Disorder.

She said, "I am terrified because he's so terribly vulnerable." A spokesperson said, "the autism society is still lobbying ... (for) a specialized treatment facility. The frustrated mother is appealing ... to find a proper placement for her son. 'The unfortunate aspect of it was that the assault was totally predictable. That's what really bothers me,' she said."

Honourable senators, how tragic all of this is. How can this be prevented and how can we do our part as senators?

The Senate of Canada cannot itself advance diagnosis, treatment or overall management of this pervasive disorder. What we can do is contribute to the debate positively and constructively. This contribution, in itself, will be well received by Canadians for whom this disorder is so real.

Many feel abandoned, just like so many with mental illness and addictions. The Senate made a difference to mental illness and addictions, and we can and must do it again with autism.

Public awareness, public education, breaking down the walls of silence — these are key. Let us make parents feel as comfortable asking about autism as they would be in asking about a skin disorder or a heart murmur in their child.

I thank Senator Munson for his inquiry. This step is important, and one that should lead parliamentarians across the land to listen, learn and act.

What might we do as senators? Through committee work, we can produce a comprehensive, coherent account of services and funding across Canada from coast to coast to coast. Here, as in everything else, Canadians should be treated equally and they should get this treatment where they live.

We can ascertain when these services begin, at what age, and when they stop, province by province and in the territories.

We can develop a picture of the contrast between services available during different stages in the life cycle — preschool, school, post-school and even adulthood. We can track progress in diagnosis, intervention and treatment, and in attitudinal shifts above all.

I am not sure that I agree with a national strategy for autism. When we talk about a national strategy for cancer, we are talking about all types of cancer. Would a strategy for autism alone lead to demands for many other national strategies for individual, developmental health disorders in our children and for other diagnoses at all ages?

Above all, honourable senators, we have responsibility and we have choices. We could refer the substance of this inquiry to the Standing Senate Committee on Social Affairs, Science and Technology or we could call upon the forthcoming Public Health Agency of Canada to take up our work to make autism a priority.

We can seek the support of the Canadian Institutes of Health Research for a greater level of research on autism and its family of disorders.

We can ask our Senate colleagues to urge the federal Minister of Health to advance this cause with provincial and territorial ministers. Indeed, we can hope that the Prime Minister will call upon premiers to direct the several departments in their governments — health, education, community and social services — to be more proactive, more generous and more inclusive with respect to autism spectrum disorder. We can state that nothing less than equality of services across the land will meet the Canadian ideal.

Above all, we, as individual senators, can make a difference in our regions, provinces and territories, and our communities. Just speaking about autism, formally and informally, will open doors, break down walls of silence and support the call of parents for a greater awareness, a greater commitment of dollars, more services at a more rapid pace and early diagnosis.

Again, Senator Munson, you have brought to this chamber the life stories of children and their families who live with autism spectrum disorder. I know your inquiry, in which I have been privileged to participate, will lead to progress, to hope and to a better Canada.

On motion of Senator Di Nino, debate adjourned.

THE SENATE

MOTION TO TELEVISE PROCEEDINGS— REFERRED TO COMMITTEE

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon:
>
> That whenever the Senate is sitting, the proceedings of the upper chamber, like those of the lower one, be televised, or otherwise audio-visually recorded, so that those proceedings can be carried live or replayed on CPAC, or any other television station, at times that are convenient for Canadians;
>
> And on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Peterson, that the question be referred to the Standing Committee on Rules, Procedure and the Rights of Parliament.—(*Honourable Senator Tkachuk*)

Hon. Joan Fraser (Deputy Leader of the Opposition): I know this item stands in the name of Senator Tkachuk, but I consulted with my colleagues on the other side of the chamber about speaking briefly to it today, and about the course of action that I would propose.

Senator Segal and Senator Munson have spoken eloquently about, as I think they might both have phrased it, bringing this chamber into the 21st century. I know many senators agree with them. I know also that many senators have doubts about whether that particular form of entry into the 21st century is appropriate for this chamber.

Be that as it may, obviously there are a number of serious practical questions that need to be addressed that are not really suited to debate in this chamber. They are suited to examination in committee.

In particular, I think that it would be appropriate for the Standing Committee on Rules, Procedures and the Rights of Parliament to examine whether we want to go holus bolus, one fine day everything will be televised forever after, or whether we want to do it on a pilot project basis, on an experimental basis, maybe televising Question Period or some other portion of our proceedings as an initial venture down this road.

We would also want to hear from CPAC, obviously. We would want to hear some expert testimony about things such as costs and the degree to which the mood and the atmosphere in the chamber would be affected by the presence of television cameras and lights — how disruptive it would be, if disruptive at all. All these issues require testimony of witnesses.

• (1640)

This item has been on the Order Paper for some time and there has not been a rush to speak to it in the chamber. Therefore, Your Honour, I would propose that we vote now and accept Senator Munson's motion that this item be referred to the Standing Committee on Rules, Procedures and Rights of Parliament.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon Senators: Question!

The Hon. the Speaker: The motion in amendment is on the motion of the Honourable Senator Munson, seconded by the Honourable Senator Peterson that, pursuant to rule 48(1), the question be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament. Is it your pleasure, honourable senators, to adopt the motion as amended?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion as amended?

Senator Fraser: In adopting the main motion, are we leaving any discretion at all to the Rules Committee or can we refer the subject matter of that motion to the Rules Committee as part of Senator Munson's inquiry? I do not want to prejudge the outcome of the Rules Committee's work.

The Hon. the Speaker: Honourable senators, by adopting the motion as amended, it will be totally in the hands of the Rules Committee, which can amend it, et cetera. I believe that nothing will be lost by this process. The Rules Committee will have the fullness of their authority to do with it as they deem appropriate.

Are honourable senators ready for the question?

Hon. Senators: Question!

On motion of Senator Munson, motion referred to the Standing Committee on Rules, Procedure and the Rights of Parliament.

[*Translation*]

THE HONOURABLE NOËL A. KINSELLA

NOTICE OF MOTION EXPRESSING CONGRATULATIONS AND CONFIDENCE IN SPEAKER

On Motion No. 2, by the Honourable Senator Joyal:

> That the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker and expresses its confidence in him while acknowledging that a Speaker, to be successful and effective in the exercise of the duties of that office, requires the trust and support of a majority of the Senators.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, this motion is at day 15 and it is a very important subject about which we feel strongly. Unfortunately, Senator Joyal cannot be here to speak on his motion. I would ask, therefore, that the clock be reset. I believe that my intervention suffices to do so.

[*English*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, it occurred to me a few minutes ago that this motion has never been moved. Therefore, it is not before the house. However, there is nothing that would prevent Senator Joyal from resubmitting his notice of motion at the next sitting to reset the clock so that it will be at the same place as the current motion. This matter has not been dealt with before in the current session and, therefore, there will be no problem in resubmitting a notice of motion. I wish that I had thought of this before so that I might have been able to advise my colleague on the other side. We cannot reset the clock on this item at this time.

Senator Fraser: This is a procedural question, Your Honour, and I am in your hands. The item shows day 15 on the Order Paper, which would suggest that it was on the Order Paper and is about to fall off the Order Paper. I leave it to Your Honour to determine the procedurally appropriate way in which to proceed.

The Hon. the Speaker: Honourable senators, the observation of Senator Comeau is correct in that the clock cannot be reset on Item No. 2 on the Notice Paper under Motions. I will present the options: First, the house, by unanimous consent, could agree to leave it at day 15; or second, the house could allow the item to fall off the Order Paper today. However, nothing would obviate Senator Joyal from reintroducing the exact motion at the next sitting of the Senate and it would resume at day one. Unlike a bill, which cannot be re-introduced in the same Parliament, this item is a motion and could be re-introduced word for word at the next sitting of the Senate. There are a couple of options and the chair is in the hands of the house.

Senator Fraser: It is my understanding that Senator Joyal will be away on public business. Rather than have this debate come up each day that we reinstate the item at day 15, perhaps the least unsatisfactory option would be, as Senator Comeau suggests, to let it fall off the Notice Paper, but with the clear understanding of the house that Senator Joyal is free to re-introduce it.

Senator Comeau: I agree.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 13, 2006, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 13, 2006, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(1st Session, 39th Parliament)

Thursday, June 8, 2006

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25							
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06							
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06							

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05							
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs					
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology					
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

CONTENTS

Thursday, June 8, 2006

PAGE

Visitors in the Gallery
The Hon. the Speaker . . . 467

SENATORS' STATEMENTS

Canada-China Legislative Association
Hon. Jack Austin . . . 467

World Ocean Day
Hon. Janis G. Johnson . . . 467

Congo
Effect of Conflict on Women.
Hon. Mobina S. B. Jaffer . . . 468

Opera of Montreal
Hon. Andrée Champagne . . . 468

Community Radio Manitoba
Envol 91 FM—Fifteenth Anniversary.
Hon. Maria Chaput . . . 469

Aboriginal Women on the Move
Cross-Canada Cycle Tour.
Hon. Lillian Eva Dyck . . . 469

ROUTINE PROCEEDINGS

Internal Economy, Budgets and Administration
First Report of Committee Presented.
Hon. George J. Furey . . . 470
Hon. Joan Fraser . . . 470
Hon. Lowell Murray . . . 470
Hon. Céline Hervieux-Payette . . . 470
Second Report of Committee Presented.
Hon. George J. Furey . . . 471

QUESTION PERIOD

National Defence
Long-range Aircraft Procurement.
Hon. Daniel Hays . . . 471
Hon. Marjory LeBreton . . . 471
Aeronautical Procurements and Maintenance.
Hon. Francis Fox . . . 471
Hon. Michael Fortier . . . 471
Hon. Marcel Prud'homme . . . 472
Hon. Sharon Carstairs . . . 472
Hon. Marjory LeBreton . . . 472

Human Resources and Social Development
Maternity Benefits for Women Entrepreneurs.
Hon. Catherine S. Callbeck . . . 472
Hon. Marjory LeBreton . . . 472

The Environment
Kyoto Protocol—Government Policy—Consultative Process.
Hon. Grant Mitchell . . . 473
Hon. Marjory LeBreton . . . 473

PAGE

Indian Affairs and Northern Development
First Ministers' Agreement on Aboriginal Issues.
Hon. Jim Munson . . . 473
Hon. Marjory LeBreton . . . 473
Hon. Tommy Banks . . . 473
Hon. Joan Fraser . . . 474
Hon. Larry W. Campbell . . . 474
Hon. Sharon Carstairs . . . 474
Hon. Willie Adams . . . 474

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau . . . 475

The Environment
Climate Change—Negotiations with the United States.
Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 475

National Defence
Recruitment.
Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 475

Natural Resources
Softwood Lumber Agreement—Research and Development in Forestry Industry—Vetting Changes in Policy with United States—Aid to Forestry Workers and Businesses—Request for Tabling.
Question by Senator Ringuette.
Hon. Gerald J. Comeau (Delayed Answer) . . . 476

International Trade
Softwood Lumber Agreement—Allocation of Export Charges.
Question by Senator Carney.
Hon. Gerald J. Comeau (Delayed Answer) . . . 476

Pages Exchange Program with House of Commons
The Hon. the Speaker . . . 476

ORDERS OF THE DAY

Budget Implementation Bill (Bill C-13)
Second Reading—Debate Continued.
Hon. Joan Fraser . . . 476
Hon. Joseph A. Day . . . 476
Hon. Eymard G. Corbin . . . 478
Hon. W. David Angus . . . 478
Hon. Pierrette Ringuette . . . 479
Hon. Anne C. Cools . . . 479

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Continued.
Hon. Daniel Hays . . . 479
Hon. Lowell Murray . . . 481
Hon. Anne C. Cools . . . 481
Hon. Hugh Segal . . . 483
Hon. Roméo Antonius Dallaire . . . 483
Hon. Pierrette Ringuette . . . 483
Hon. David Tkachuk . . . 484
Hon. Claudette Tardif . . . 484
Hon. Joan Fraser . . . 485
Hon. Marcel Prud'homme . . . 485

Public Service Employment Act (Bill S-201)
Bill to Amend—Second Reading—Debate Continued.
Hon. Terry Stratton . . . 486
Hon. Pierrette Ringuette . . . 488
Hon. Gerald J. Comeau . . . 488

PAGE

Committee of Selection
Third Report of Committee Adopted.
Hon. Terry Stratton 489

Funding for Treatment of Autism
Inquiry—Debate Continued.
Hon. Marilyn Trenholme Counsell. 489

The Senate
Motion to Televise Proceedings—Referred to Committee.
Hon. Joan Fraser 491

PAGE

The Honourable Noël A. Kinsella
Notice of Motion Expressing Congratulations and Confidence in Speaker.
Hon. Joan Fraser 492
Hon. Gerald J. Comeau 492

Adjournment
Hon. Gerald J. Comeau 492

Progress of Legislation i

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 23

OFFICIAL REPORT
(HANSARD)

Tuesday, June 13, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, June 13, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

THE LATE HONOURABLE J. MICHAEL FORRESTALL

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, there will be an opportunity for us to express ourselves later, but at this time I extend deepest sympathies on behalf of all senators and all associated with this place to Ms. Marilyn MacDonald Forrestall, the children, Mary Ellen, Daniel Patrick, Robert Arthur, Polly Sue, Michael Thornhill and their entire family.

Honourable senators, out of respect for our deceased colleague, the Honourable J. Michael Forrestall, I ask you to rise and join with me in a moment of silence.

Honourable senators then stood in silent tribute.

SENATORS' STATEMENTS

THE LATE LORD KENNETH THOMSON

Hon. Jerahmiel S. Grafstein: Honourable senators, I rise to pay tribute to the late Lord Kenneth Thomson. I first ran into Ken Thomson over 45 years ago and I introduced myself. I said, "I am delighted to meet you, Lord Thomson"; and he said, "My name is Ken, what is yours?" Thereafter, we developed a very warm and friendly relationship.

• (1405)

I would run into him in my early years going downtown on the subway. The underground passage connected my office to his office around the corner, so I would meet with him from time to time at a coffee shop in the food area underneath our buildings. Of course, you would always run into him at any major charitable event in Toronto because he was an avid supporter of the arts.

Ken Thomson, in my view, was brilliant. He was modest and a visionary who transformed his father's print empire into a virtual internet-savvy conglomerate. In the process, he became one of the richest men in the world and certainly the wealthiest Canadian.

He was a lover of the arts and his living monument will be the Art Gallery of Ontario. He was a collector of Cornelius Krieghoff and the Group of Seven and because of his efforts he propelled those artists into the world art community.

Last Wednesday night I raced to Toronto for a surprise birthday for Tom who is a clothier in Kensington Market. Tom, who owns Tom's Place, is a Hungarian refugee and his friends were throwing a party for him. Ken Thomson was there; he was one of his best customers.

Whenever I called Ken Thomson, he was always ready to help. For me, Ken Thomson was the quintessential Canadian. He was brilliant, modest, hard working, a gentle man and a gentleman. Our hearts go out to Marilyn, his family and his extended family. Ken, your race is run, your victory is won, now come to rest, Godspeed, God bless.

MANITOBA

CONGRATULATIONS TO PREMIER GARY DOER ON RECOGNITION OF SUPPORT FOR JEWISH NATIONAL FUND

Hon. Maria Chaput: Honourable senators, the Premier of Manitoba, the Honourable Gary Doer, is being recognized for his leadership in developing a relationship between the Jewish National Fund and the Province of Manitoba at the JNF's gala scheduled for this evening, Tuesday, June 13. This annual gala has become the Jewish community's single largest fundraising event and the funds go toward projects in Israel. This year, the monies raised will go to environmental projects in conjunction with the recently announced new partnership with the Province of Manitoba.

A Manitoba-based fund is being established to support research exchanges between Israel and Manitoba universities, focusing on the construction of rapid growth greenhouses, water conservation and forest diversification.

Mr. Joe Rabinovitch, Executive Vice-President of JNF Canada, stated:

> JNF Canada looks forward to sharing, with the people of Manitoba, its expertise with water management, greenhouse technology and agriculture. This will be a partnership that will benefit all parties now and in the future.

The money will stay in Manitoba and projects will be identified based on the advice of northern communities and specialists in northern diversification at academic institutions.

It was pointed out by Israel's Consul General in Toronto that "Israel is the only place in the world where the desert is shrinking, not expanding." He also notes that the JNF will soon be sharing its experience and research and development with the Province of Manitoba through an agreement recently signed between the province and the organization.

This year, Premier Doer is being recognized for his leadership in developing this relationship as the deserving honouree for the Gala 2006.

As a Manitoban, I would like to extend my warmest congratulations to Premier Gary Doer. Manitoba's diversity is one of our greatest strengths and Premier Doer is showing dedication to the betterment of our society and humanity as a whole.

Congratulations, Mr. Premier.

• (1410)

ATLANTIC REGION

FEDERAL SUPPORT FOR ECONOMIC DEVELOPMENT

Hon. Catherine S. Callbeck: Honourable senators, I was disappointed last week when I heard that the Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, Brian Jean, had advocated the migration of Atlantic Canadians to the Western provinces in order to solve employment problems. This suggestion shows an acute insensitivity to the people of Atlantic Canada and a profound lack of understanding of the regional nature of this country. Worse still, it demonstrates the lack of a fundamental commitment on the part of this government to the goal of ensuring equal opportunity for all Canadians, wherever they live.

Unfortunately, this lack of commitment has been apparent since the Conservative government unveiled its budget. The recent federal budget plan failed not only to outline the government's vision for policies that support each region of the country but also failed to mention regional economic development in its more than 300 pages.

The people of Atlantic Canada have shown our value and capacity for hard work. In September 2003, a cross-Canada survey was undertaken by two professors from the business schools at Carleton University and the University of Western Ontario. This survey found that the people "out east" spend more time at work than people in any other regions, an average of 44.5 hours per week.

We are also more likely to show high levels of job satisfaction and commitment to our employers. We have lower turnover rates and are less likely to leave our jobs. Atlantic Canadians have demonstrated our commitment to success and we continue to work toward building our region and our country.

I hope that this government will start to continue the work of the previous government. We need investment and partnership with the federal government for our new and traditional industries. The answer is not to move our workers to other parts of Canada. The future of the whole country rests on helping people, businesses and whole communities to reach their full potential.

[*Translation*]

ROUTINE PROCEEDINGS

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

ORDER PURSUANT TO SECTION 8 OF TELECOMMUNICATIONS ACT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate*, I have the honour to table, in both official languages, the proposed order under section 8 of the Telecommunications Act.

INFORMATION COMMISSIONER

2005-06 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2005-06 annual report of the Information Commissioner for the period ending March 31, 2006, pursuant to article 38 of the Access to Information Act.

[*English*]

CRIMINAL CODE

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Michael Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, June 13, 2006

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-211, An Act to amend the Criminal Code (lottery schemes) has, in obedience to the Order of Reference of Wednesday, May 10, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

MICHAEL KIRBY
Chair

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Lapointe, seconded by the Honourable Senator Kirby, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1415)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, June 13, 2006

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SECOND REPORT

Pursuant to Rule 86(1)(f)(i), your Committee is pleased to report as follows:

The *User Fees Act*, S.C. 2004, c. 6, received Royal Assent on March 31, 2004. It originated as a private Member's bill in the House of Commons. The purpose of the Act is to provide a consultation process with stakeholders before the introduction of new user fees, or the increase or extension of existing user fees, followed by parliamentary approval.

The *Act* requires Ministers to cause proposals to be tabled in each House of Parliament. Each proposal that is tabled is deemed referred to the "appropriate standing committee" of each House. The committee may submit a report containing recommendations regarding the proposal. If after 20 sitting days, no report has been tabled by the committee, it is deemed to have recommended the approval of the proposal. The Senate and House of Commons may pass a resolution approving, rejecting or amending the recommendation made by the committee.

The wording of the *User Fees Act* is more consistent with the procedures of the House of Commons, with its pre-determined "appropriate standing committees," which mirror government departments and agencies. In the Senate, however, committees are organized more along policy lines, and, in any event, generally require a specific order of reference from the chamber with respect to any study that they undertake.

Given the tight timeframe envisaged by the *Act* for reviewing proposals — 20 sitting days — your Committee believes that it is important that they be referred to a committee without delay. We are recommending an amendment to the *Rules of the Senate* to facilitate this. It is your Committee's hope and expectation that there will be consultations between the leadership of the two sides prior to any tabling of a proposal so as to expedite the process and ensure that the Senate carries out its responsibilities under the *Act* in a meaningful way.

Your Committee recommends that the *Rules of the Senate* be amended by adding after subsection (3) of Rule 28 the following:

28 (3.1) When the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate tables a document proposing a user fee, it is deemed referred, without debate or a vote, to the select committee designated in the Senate for the purpose by the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate following consultation with the Leader of the Opposition in the Senate or the Deputy Leader of the Opposition in the Senate.

(3.2) If the select committee does not report within twenty sitting days, the committee is deemed to have recommended approval of the user fee.

Respectfully submitted,

CONSIGLIO DI NINO
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report place on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table the third report of the Standing Committee on Internal Economy, Budgets and Administration.

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON ISSUES DEALING WITH DEMOGRAPHIC CHANGE

THIRD REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Banking, Trade and Commerce entitled, *The Demographic Time Bomb: Mitigating the Effects of Demographic Change in Canada.*

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

REPORT PURSUANT TO RULE 104 TABLED

Hon. George J. Furey: Honourable senators, I have the honour to table the fourth report of the Standing Committee on Internal Economy, Budgets and Administration, regarding expenses incurred during the first session of the Thirty-eighth Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 233.*)

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE PRESENTED

Hon. Marilyn Trenholme Counsell, Joint Chair of the Standing Joint Committee on the Library of Parliament, presented the following report:

Tuesday, June 13, 2006

The Standing Joint Committee on the Library of Parliament has the honour to present its

FIRST REPORT

Your Committee recommends to the Senate that it be authorized to assist the Speaker of the Senate and the Speaker of the House of Commons in directing and controlling the Library of Parliament, and that it be authorized to make recommendations to the Speaker of the Senate and the Speaker of the House of Commons regarding the governance of the Library and the proper expenditure of moneys voted by Parliament for the purchase of books, maps or other articles to be deposited therein.

Your Committee recommends that its quorum be fixed at six members, provided that each House is represented, and a member from the opposition and a member from the government are present, whenever a vote, resolution or other decision is taken; and that the Joint Chairs be authorized to hold meetings to receive evidence and to have that evidence published when a quorum is not present, provided that at least three members are present, including a member from the opposition and a member from the government.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

A copy of the relevant minutes of Proceedings *(Meeting No. 1)* is tabled in the House of Commons.

Respectfully submitted,

MARILYN TRENHOLME COUNSELL
Joint Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Trenholme Counsell, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1420)

[*Translation*]

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, so that we may attend the funeral tomorrow of our former colleague, Senator Forrestall, with leave of the Senate, and notwithstanding rule 58(1) (h), I move:

That when the Senate adjourns today, it do stand adjourned until Thursday, June 15, 2006, at 1:30 p.m.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we were saddened, as were all honourable senators, to learn that Senator Forrestall has left us.

It is our understanding that the proposal of the Deputy Leader of the Government in the Senate will allow us to attend the funeral in Halifax tomorrow. We are in complete agreement with this proposal.

That said, we would have appreciated being consulted before this decision was made and preparations begun.

According to precedent — or at least recent precedent — we adjourn the first sitting day following the death of a senator. This time the precedent was not followed, for obvious reasons that we understand and support. I would just like to point out to honourable senators that a little consultation would be welcome in future.

Senator Comeau: Honourable senators, I am pleased that the Deputy Leader of the Opposition agrees with the measures we took whereby the house will not sit on Wednesday, and that her side fully understands these measures.

That said, with respect to consultation on such matters, we thought that having our assistants call the Leader and Deputy Leader of the Opposition's assistants would have satisfied the other side and that there was no need for the Leader and Deputy Leader themselves to call.

However, if I understand correctly, the fact that our assistants contacted your offices was unsatisfactory to the Deputy Leader. If I have understood correctly, perhaps we should discuss establishing a protocol in future. But if the Deputy Leader of the Opposition insists that the Deputy Leader on this side make the calls personally, we can certainly do so in future. That is something we can discuss.

Personally, I would not insist that the Deputy Leader of the Opposition call me directly to inform me of this sort of thing. If the other side insists that the Deputy Leader of the Government call directly, I will do so.

Senator Fraser: Honourable senators, each side has three leaders. I think that those six people can figure out a way to communicate without taking too much offence.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Motion agreed to.

• (1425)

[*English*]

COMMONWEALTH PARLIAMENTARY ASSOCIATION

SEMINAR ON "RESTORING FAITH IN THE POLITICAL PROCESS: TACKLING CORRUPTION, UPHOLDING HUMAN RIGHTS, THE ROLE OF THE MEDIA," JANUARY 22-28, 2006—REPORT TABLED

Hon. Terry M. Mercer: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian branch of the Commonwealth Parliamentary Association that participated in the Commonwealth Parliamentary Association, United Kingdom branch, seminar on "Restoring Faith in the Political Process: Tackling Corruption, Upholding Human Rights, the Role of the Media," held in London, United Kingdom, from January 22 to 28, 2006.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

MEETING ON EMERGENCE OF CROSS-BORDER REGIONS, MARCH 6-7, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation to the Canada-U.S. Inter-Parliamentary Group's Meeting on the Emergence of Cross-Border Regions between Canada and the United States, Ottawa Round Table, hosted by the Policy Research Initiative, Privy Council Office and the Canada-U.S. Inter-Parliamentary Group, held in Ottawa on March 6 and 7, 2006.

GREAT LAKES DAY, MARCH 16, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of my participation as Co-chair of the Canada-United States Inter-Parliamentary Group at Great Lakes Day held in the United States Congress, Washington, D.C., March 16, 2006.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CURRENT SOCIAL ISSUES OF LARGE CITIES

Hon. Michael Kirby: Honourable senators, I give notice that at the next sitting of the Senate I will move:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the committee shall be authorized to examine poverty, housing and homelessness, social infrastructure, social cohesion, immigrant settlement, crime, transportation, and the role of the largest cities in Canada's economic development;
>
> That the study be national in scope, with a focus on the largest urban community in each province;
>
> That the study report proposed solutions with an emphasis on collaborative strategies involving federal, provincial and municipal governments;
>
> That the committee submit its report no later than December 31, 2007, and that the committee retain all powers necessary to publicize its findings until March 31, 2008;
>
> That the committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate if the Senate is not then sitting and that the report be deemed to have been tabled in the chamber.

FISHING INDUSTRY IN NUNAVUT

NOTICE OF INQUIRY

Hon. Willie Adams: Honourable senators, pursuant to rule 57(2), I give notice that two days hence, I will call the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.

[*The honourable senator spoke in his native language*]

QUESTION PERIOD

ATLANTIC CANADA OPPORTUNITIES AGENCY

PROJECT FUNDING IN LIBERAL HELD RIDINGS—COMMENTS BY MINISTER

Hon. Jane Cordy: Honourable senators, my question is for the Leader of the Government in the Senate. I am fortunate to have as my member of Parliament Mr. Michael Savage, the member for Dartmouth—Cole Harbour. In reaction to questions from Mr. Savage in the other place, the minister of ACOA, Peter MacKay, said in a media interview: "I'll look at the projects coming out of his riding, but his ability to influence me you can imagine is going to be severely diminished."

I ask the Leader of the Government in the Senate if this is the policy of this government: If a Liberal asks a question, it automatically jeopardizes your chances of getting project funding for your riding?

• (1430)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, this new Conservative government is committed to building a strong competitive economy in all regions of Canada. We are helping communities in Atlantic Canada to tackle their respective economic and employment challenges by investing in community-generated projects that will work for them.

I notice the reference to the MP in the other place, Michael Savage, and I find it interesting. I noticed in *The Hill Times* that he is supporting Scott Brison for the leadership, and Mr. Brison is one of the people who advocated for getting rid of ACOA.

Senator Cordy: Michael Savage is my member of Parliament, and I am proud to have him as my member.

Some Hon. Senators: Hear, hear!

Senator Cordy: To make matters worse, Minister MacKay said during the Nova Scotia election campaign that Tory candidate Dwayne Provo was in the best position to help his constituents receive money from ACAO. He stated:

> There is money that the people in Preston are entitled to, and I can tell you he's going to come knocking and we're going to deliver.

This is clearly in contravention to the government's own accountability act. Clause 7 of the proposed accountability act states the following:

> No public office holder shall ... give preferential treatment to any person or organization based on the identity of the person or organization ...

Is Minister MacKay not violating the intent of the accountability act by stating publicly that the Liberal MP will not receive ACOA grants but a Conservative MLA will have the ACOA money delivered? Is that how this government interprets the accountability act: Tory ridings get, others do not?

Senator LeBreton: I guess the way to resolve these matters in the future is to pass the proposed accountability act to ensure that all apply it to themselves.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

MEETING OF FIRST MINISTERS ON ABORIGINAL ISSUES—FUNDING OF INITIATIVES

Hon. Robert W. Peterson: Honourable senators, on June 8 of this year, the Leader of the Government in the Senate made numerous references regarding the Kelowna accord, stating there was no fiscal framework, that it was all talk, no framework, no nothing.

I have checked into this, and the facts would seem to indicate otherwise. On November 14, 2005, the previous Liberal government provided its fiscal update. Among other matters, the following were included in the update: money for farmers, $755 million; standby loans for the forest industry, $800 million, and money for Kelowna.

On November 24, 2005, the Kelowna accord was ratified by all parties involved, namely, the federal government, provincial governments and First Nations. On that same date, in the Department of Finance's sources and uses table, the following were formally identified and booked: money for farmers, $755 million, and money for Kelowna $5.096 billion.

How can the honourable senator argue there was no money for Kelowna?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Minister Prentice, who at the time was our critic, attended the Kelowna meetings. The facts are that in the closing minutes of the first ministers' meeting of November 2005, the former Prime Minister tabled a single page document that was a compilation of numbers, as I mentioned in my answer the other day, totalling $5.1 billion. There was no signed agreement in Kelowna, and no consensus on how this money would be spent or distributed amongst Aboriginal groups or how it would be split between the provinces and territories.

This new government is committed to proceeding with a clear budget, accountability, measurements and results. The minister said on many occasions that the targets and objectives set out in the Kelowna meetings are admirable, as I have said myself. We are supportive of them and we will move forward on them, as we have in the 2006 Budget.

• (1435)

For example, I would like to point out that the 2005 first ministers' meeting called for $300 million over five years to be allocated toward northern housing while Budget 2006 dedicates the same amount over two years.

Senator Peterson: Honourable senators, the fact is that the money for Kelowna was booked at the same time and in exactly the same way as the $755 million for the farmers. Obviously, the government thought the money for the farmers was real because they have spent it. How can the minister justify this double standard?

Senator LeBreton: There is no double standard, honourable senators. As I said in answer to Senator Adams last week, the sad reality is that there was no agreement. There was no allocation. There was nothing in a fiscal framework. Even though the aims of the Kelowna meetings were admirable, the previous government did not make plans to move forward. This new Conservative government will be moving forward.

INDUSTRY AID TO FORESTRY INDUSTRY

Hon. Tommy Banks: Honourable senators, I have a follow-up question for the Leader of the Government in the Senate arising out of Senator Peterson's question.

My limited understanding is that when the government has booked money for a project it will probably be spent on that project. As Senator Peterson pointed out, the government seems to have accepted the fact that the previous booking of $755 million to help farmers was legitimate and was acted upon. They wrote the cheques, signed them, sent them out and the money has been spent.

Rather than refer to Kelowna I will refer to the other $800 million mentioned by Senator Peterson. That was money committed by Minister Emerson in the previous government and was for assistance to the forestry industry in Canada.

It happens that we have an unusual situation in which the then minister is the present minister. He was of the opinion then that we needed to get $800 million to assist the forest industry. It was booked then. It was contained in the documents tabled in Parliament to which Senator Peterson referred. We now have the same minister who seems no longer convinced or is being obstructed by the present government if he is still convinced that the forestry industry needs some assistance.

Will the Leader of the Government in the Senate tell us whether it is the case that the honourable minister has changed his mind and determined that the forestry industry is not in need of any support for the moment or whether the minister believes that it is so and the rest of the cabinet disagrees?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Banks for his question.

With respect to Kelowna, the money was not booked and there was no fiscal framework.

With regard to Minister Emerson's statements on the forestry industry, I am not aware that he has changed any position that he held previously. However, I will take the question as notice and undertake to find the answer for the honourable senator.

PROPOSED AMENDMENT TO LOBBYISTS REGISTRATION ACT

Hon. Jim Munson: Honourable senators, my question is addressed to the Leader of the Government in the Senate and concerns the federal accountability act and the so-called Roscoe amendment.

Elizabeth Roscoe worked as a volunteer on the Harper transition team. She is now a victim of the proposed five-year rule whereby lobbyists and former politicians cannot lobby the government. Now comes along her former boss, Derek Burney, who led the transition team, and who is mighty upset that Roscoe will not be able to lobby the government. Mr. Burney, as he said, puts "a premium on loyalty." He has a problem that the rules are being changed after the fact. He is obviously not very happy.

Mr. Burney went on to say that the new standards were not "made clear at the time." My question to the Leader of the Government in the Senate is this: Please tell us what you really think of this amendment.

• (1440)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Munson for his question. I have known Elizabeth Roscoe for many years and I have a great deal of respect for her.

Senator Mitchell: How are you getting along with her now?

Senator LeBreton: I get along with her just fine. I have spoken to her many times.

The issue is Ms. Roscoe's position in the executive branch of the government during the transition period. The Prime Minister made it very clear that lobbyists were not to be part of the transition team. That is on the public record.

Also on the public record is the government's intention that there be a restriction against lobbying for five years after people leave the employ of the government. Perhaps Ms. Roscoe did not apprise herself of what was being said on the issue of lobbyists during the campaign. We cannot change the proposed accountability act to accommodate a friend.

Senator Munson: Honourable senators, implicit in that statement is that Mr. Burney did not understand either, although he was the chief of the transition team. He had tremendous experience with Mr. Mulroney's team and was the president of a big company. It strikes me that Mr. Burney would be listening very closely to all of this, and he says that these rules were made after the fact.

I suppose Deborah Grey will have to follow the same rule.

I am wondering about the right to work under the Charter of Rights. How can a person be denied the right to work in this town?

Senator LeBreton: Honourable senators, there is a difference between Deborah Grey and lobbyists who support the Liberal party or the Conservative party and are regularly on television. Lobbyists such as Deborah Grey were not part of the executive branch of the new government and did not serve on the transition team.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS' AGREEMENT ON ABORIGINAL ISSUES—FUNDING OF INITIATIVES

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a question of the Leader of the Government in the Senate on the question of funding for the Kelowna accord.

On March 22 of this year, a letter was sent to Minister Prentice from the Honourable Ralph Goodale, a person of widely recognized competence and unassailable integrity. Mr. Goodale's letter said in part:

> As the federal Minister of Finance at the time of the Kelowna First Ministers' Meeting involving the Prime Minister, provincial/territorial Premiers and the leaders of five national Aboriginal organizations, I can confirm that as of that meeting (November 24, 2005) the fiscal framework of the Government of Canada included a total of $5.096 billion to address obligations arising from what came to be known as the "Kelowna Accords".

The letter continues:

> In the government's 2005 Economic and Fiscal Update, issued on November 14th, the importance of the then-upcoming Kelowna meeting was specifically mentioned, together with an undertaking to provide the

needed financing. There was more than enough unused fiscal room in our framework to accommodate the expected sum. When the Kelowna meeting actually took place (10 days later), the money was booked — $5.096 billion.

The fiscal treatment of the Kelowna Accords was —

— as Senator Peterson has recalled for us —

— quite similar to how we handled special federal funding of $755 million to help grain and oilseed producers in the farm sector. In both cases, formal announcements were not ready to be made at the time of the November 14th Fiscal Update, but both were signalled in that Update and flexibility was built into our framework to cover the anticipated expenses. By November 24th, both initiatives had become ready to go, announcements were made, and the money for both was booked.

• (1445)

Is the minister suggesting that Mr. Goodale did not tell the truth?

Hon. Marjory LeBreton (Leader of the Government): I have not seen that letter. The honourable senator told me the date it was written. When the honourable senator read the letter, she said something to the effect that he said there were sufficient funds. I will certainly speak to Minister Prentice or Minister Flaherty about the response to that letter, but I do not believe he actually said a fiscal framework had been put in place for the Kelowna accord.

I will take the question as notice and will ask both Minister Prentice and Minister Flaherty if, in fact, they responded to Ralph Goodale's letter.

Senator Fraser: I thank the minister. In addition, will she also obtain for this house the Department of Finance sources and uses table affecting the date of November 24?

Senator LeBreton: I am uncertain as to whether I am in a position to make that kind of commitment, but I will take the question as notice.

INDUSTRY

AID TO FORESTRY INDUSTRY

Hon. Tommy Banks: Honourable senators, I have a supplementary question on the same issue of booking of commitments of the government. Will the Honourable Leader of the Government please include in her inquiry the $800 million that I believe was also booked in respect of assistance to the forestry industry?

Hon. Marjory LeBreton (Leader of the Government): Any desire of the previous government that was not booked into the fiscal framework was just that — a desire. It is clear that the Canadian public did not vote for the new Conservative government just to carry on with failed projects of the previous government.

Senator Banks: I must be clearer. I am not asking the same question again. Intervening between the question I first asked and the present one, the Deputy Leader of the Opposition asked and the Leader of the Government undertook to respond to questions having to do with a letter from Mr. Goodale addressed to Mr. Prentice, I believe.

This letter indicated that the money for those things was, in fact, booked, and was part of the fiscal framework. I refer to the fact that the Leader of the Government has suggested that the Kelowna accord, among other things, does not apply because there was no such booking of funds and because there was no such fiscal framework.

That is the question. Was there a fiscal framework that included those amounts of money? Were those sums booked? It is to the absence of those things that the Leader of the Government has referred in explaining why the Kelowna agreement and other matters were not proceeded with.

I simply ask if she can pin on to the end of the undertaking to the Deputy Leader of the Opposition with respect to Kelowna the $800 million for forestry?

Senator LeBreton: Honourable senators I would be more than happy to do that.

THE ENVIRONMENT

KYOTO PROTOCOL—ALTERNATIVE PROGRAM

Hon. Grant Mitchell: Honourable senators, over the last number of weeks, we have been given three different reasons why the government has cancelled the previous government's 15 climate change programs.

The first one was inefficiency, but the government does not really believe that because the one program they brought in to try to replace the previous government's is far less efficient. The second one was failure to achieve the Kyoto objectives. The government does not really believe that because they have stated that they will bring in lower objectives.

The third one was that they want a made-in-Canada program, but the government does not really believe that reason either, because, of course, none of the 15 programs they have cancelled apply anywhere but in Canada. They do not apply outside of Canada, and they were all made in Canada by definition.

Could the leader try another reason, a fourth reason, one that might be more believable?

Hon. Marjory LeBreton (Leader of the Government): The fact is that the previous government's efforts on this front were a dismal failure. We are working on a new plan on the entire issue of climate change and clean air.

• (1450)

I suggest Senator Mitchell and others be patient. They will like what they see when Minister Rona Ambrose releases a comprehensive plan in the early fall.

Senator Mitchell: Can the minister briefly give us a list of those programs amongst the 15 that she thinks are not made in Canada, that she thinks do not apply in Canada, and that she thinks somehow apply somewhere else outside of Canada? Can she give us that so we have some sense of the background and so we know that government did a detailed study of these programs before they cancelled them out of hand?

Senator LeBreton: I will simply repeat what I said earlier.

Senator Mitchell: It is okay. You do not have to.

Senator LeBreton: I would not dictate policy on the basis of what Senator Mitchell thinks or does not think. I will simply leave it to the capable Minister of the Environment, Minister Ambrose, to come forward with a comprehensive plan. It is clear from public opinion research that has been done and published in newspapers that the Canadian public also knows that the previous government failed dismally. As I mentioned in an answer last week, so does one of the Liberal's star leadership candidates, Michael Ignatieff.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to four oral questions raised in the Senate.

The first response is to a question raised by Senator Hays on May 4, 2006, in regard to Kyoto commitments. The second is in response to a question raised by Senator Austin on May 11, 2006, in regard to the agreement of first ministers meeting on Aboriginal issues. The third is in response to a question raised by Senator Ringuette on May 16, 2006, in regard to the proposed softwood lumber agreement and vetting changes in policy with the United States. The fourth response is to a question raised by Senator Banks on May 16, 2006, in regard to the Kyoto Protocol.

THE ENVIRONMENT

KYOTO COMMITMENTS

(*Response to question raised by Hon. Daniel Hays on May 4, 2006*)

This government is committed to working within the UNFCCC process with the international community to strive to meet the ultimate objective of the Framework Convention which is to ensure that human activities do not adversely influence the global climate system.

The Minister of Environment has recently stated that we will pursue a variety of paths in working towards our national clean air and greenhouse gas emission reduction objectives, with Kyoto being one of those paths.

In her remarks to the House of Commons on May 11th, she stated that:

"Even though we cannot meet the targets that the Liberals negotiated, that does not mean that we give up the fight. We are committed to real progress on cleaning up Canada's environment and on reducing our greenhouse gas emissions, and we are committed to face the challenge before us in an open and transparent way and develop realistic and reachable goals to reduce pollution and greenhouse gases.

We are turning a new leaf on the environment with a commitment to Canadians that all the money for the environment will be spent on the Canadian environment. We will not send taxpayers' money overseas to buy credits. These are billions of dollars that can be invested in Canada to help reduce pollution right here at home, to build greener infrastructure, to develop new technologies and to make Canada more efficient and economically competitive.

The principle that guides us is that in our initiatives Canadians will always come first. To that effect, our government is focused on made-in-Canada solutions that are inclusive and results oriented. We will respect the particular needs and circumstances of each of our country's provinces and territories, but we will always insist that our initiatives have direct benefits to Canadians and the Canadian environment. We want to see tangible benefits where it matters most to us, which is in Canadian communities.

Our first focus is on domestic action to ensure that Canadians can enjoy clean air, clean water, clean land, clean and secure energy and healthy communities.

We have already begun, with an investment in made in Canada solutions that deliver real environmental and health benefits to Canadians, by investing in new, greener, cleaner transportation and incentives to get Canadians out of their cars and into public transit. This is important because transportation is one of the highest contributors to pollution and greenhouse gases.

We have met recently with the provinces and territories to launch a way forward to a national renewable fuel strategy that will see real, tangible benefits to the environment and economic benefits to the agriculture sector.

We have launched a long overdue review of the Canadian Environmental Protection Act, Canada's most important piece of environmental legislation."

As reflected in the remarks of Minister Ambrose, the Government is committed to delivering a Made-in-Canada approach that will see real progress in cleaning up our environment and in reducing pollution and greenhouse gas emissions. We will do this in an open and transparent manner by setting realistic and achievable goals.

A realistic and effective plan for reducing greenhouse gas emissions for the long term will:

- have clean air benefits (co-benefits)
- take advantage of opportunities to build a competitive and sustainable Canadian economy through a commitment to efficiency and a commitment to greener and cleaner technologies

- advance our interests in our energy security
- support regional development
- ensure that environmental spending improves Canada's environment and strengthens public and community health
- engage Canadians through incentives and communities to take action at the local level
- respect the needs and circumstances of Provinces and Territories across Canada
- ensure much stronger integration of our domestic and international climate change agendas

The government is looking carefully at existing programs in this context.

Fifteen climate change programs have been terminated where the work was completed or it has been decided that a different approach is required. No decisions have yet been made with respect to future funding for programs like the Partnership Fund.

We want to see a more inclusive international approach which sees large emitters like China and India take on commitments to reduce pollution and greenhouse gases within the Kyoto Protocol. To reach a global solution, we need everyone to be part of the equation.

We expect that more detail and the full scope of the government's approach to a made in Canada solution to clean air and climate change will be articulated in the months ahead.

The information related to climate change and clean air on the web sites of Environment Canada, Natural Resources Canada and others is being updated to reflect the Government's approach to secure real and lasting benefits on clean air and greenhouse gas emission reductions.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

AGREEMENT OF FIRST MINISTERS MEETING ON ABORIGINAL ISSUES

(Response to question raised by Hon. Jack Austin on May 11, 2006)

The Honourable Jim Prentice, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, has had many meetings to date with leaders of the national, and indeed, regional, Aboriginal organizations. He has also had bilateral meetings with several of his provincial counterparts, including Minister Christensen of British Columbia.

This government is proud of the fact it is taking action to address conditions faced by Aboriginal Canadians.

The government has stated that it accepts the objectives and targets agreed upon at the First Ministers Meeting, but it must be stated that there was no agreement on exactly how the $5.1 billion would be spent, or of its source. This government intends to work closely with the provinces, territories and Aboriginal leadership to develop a responsible fiscal plan for addressing Aboriginal poverty and, as stated in the Speech from the Throne, to "seek to improve opportunity for all Canadians, including Aboriginal peoples".

One example of concrete action by this government was the announcement on May 31, 2006, that the Government of Canada and the Assembly of First Nations have agreed to establish an independent panel which will examine and provide options for a regulatory framework to ensure safe drinking water in First Nations communities. The establishment of the expert panel is one of the commitments the Minister made when he announced his action plan on water in March of this year. This announcement is also in keeping with the Government of Canada's objective, stated in the recent federal budget, to support Canadian Aboriginal communities by providing $450 million for improving water supply and housing on reserves, education outcomes, and socio-economic conditions for Aboriginal women, children and families.

Budget 2006 said that investments in Canada's Aboriginal communities will also include:

$300 million for Aboriginal housing off-reserve;
$300 million for affordable housing in the territories; and
$2.2 billion to address the legacy of residential schools.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT—VETTING CHANGES IN POLICY WITH UNITED STATES

(Response to question raised by Hon. Pierrette Ringuette on May 16, 2006)

Anti-circumvention provisions are a standard feature of trade agreements. They are meant to ensure that neither party undermines commitments set out in the agreement. Specific language on the anti-circumvention provisions will be developed over the coming weeks. We will consult with Canadian stakeholders during this process.

THE ENVIRONMENT

KYOTO PROTOCOL—ALTERNATIVE PROGRAM

(Response to question raised by Hon. Tommy Banks on May 16, 2006)

As you are aware, the Kyoto Protocol was negotiated in Japan in 1997 as part of the United Nations Framework Convention on Climate Change at the third Conference of the Parties.

The national emission reduction commitments that were assigned to Annex I Parties, and others associated with the Framework Convention, such as undertaking national inventories and annual reporting, can hardly be described as "Made in Canada". They were reached through a protracted and collective process of negotiations among some 189 signatories to the Framework Convention and 163 signatories to the Kyoto Protocol.

The Made in Canada commitment that has often been referred to is in the process of being articulated, by commitments made in the Speech From the Throne, commitments made in Budget 2006 and by ongoing deliberations between members of the Cabinet and key stakeholders across Canada.

The decisions that are being taken and communicated regarding how we address the joint issues of greenhouse gas emission reductions and clean air will amount to what has been and is referred to by the Minister of Environment and others as a Made in Canada response.

The Made in Canada response will ensure real progress in cleaning up our environment and in reducing pollution and greenhouse gas emissions. The intent is to work in an open and transparent manner to set and achieve realistic goals within realistic timeframes.

A realistic Made in Canada plan for reducing greenhouse gas emissions for the long term must:

- have clean air benefits (co-benefits)
- take advantage of opportunities to build a competitive and sustainable Canadian economy through a commitment to efficiency and to develop and deploy green/clean technologies
- advance our interests in our energy efficiency
- support regional development
- ensure that environmental spending improves Canada's environment and strengthens public and community health
- engage Canadians through incentives and communities to take action at the local level
- respect the needs and circumstances of Provinces and Territories across Canada
- ensure much stronger integration of our domestic and international climate change agendas

As announced in Budget 2006, the government has increased infrastructure spending on public transit by $1.3 billion. Further, it has moved to make monthly and annual bus passes tax deductible, thereby providing an incentive for Canadians to get out of their cars an into a cleaner transit alternative.

Most recently, the Government has announced an agreed approach involving Provinces and Territories to implement a goal of five percent average renewable content in Canadian motor fuels by 2010, significantly advancing Canadian production capacity in line with efforts in the US and European Union.

Most if not all agree that, globally, we need an inclusive international approach which sees large emitters like China and India take on commitments to reduce pollution and greenhouse gases within the Kyoto Protocol. To reach a global solution, we need everyone to be part of the equation.

Canada is committed to work towards the ultimate objective of the United Nations Framework Convention on Climate Change and has recently communicated its willingness to take on further emission reduction obligations post 2012 in a manner that is consistent with a global consensus to so act.

These are all elements of a Made in Canada approach, by Canadians and for Canadians, to climate change and clean air.

It will see federal spending further the environmental goals and aspirations of Canadians and our communities.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that, when we proceed to Government Business, the Senate will deal with the items in the following order: resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Eyton, for the second reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006; second reading of Bill C-15, to amend the Agricultural Marketing Programs Act; resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act; and resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

[*English*]

BUDGET IMPLEMENTATION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus seconded by the Honourable Senator Eyton, for the second reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Hon. Art Eggleton: Honourable senators, we were all entertained last week by Senator Angus and his enthusiasm in sponsoring Bill C-13. I frankly do not know how he did it. There is nothing to be enthusiastic about in this piece of legislation. This budget bill does not respect the wishes of the majority of Canadians. It does not meet the needs of Canadians.

Last week, in questions and answers I had with the Leader of the Government in the Senate, we talked about what constituted the mandate of this Harper government. I pointed out they received only 36 per cent of the vote. She said that may be true, but the Liberals did not get the majority of the vote in the years they had government under Mr. Chrétien. I further point out two other things: They do not even have a majority of seats in the House of Commons. They have about 40 per cent of the vote in the other place. At least in the days of the Chrétien government, there was a majority in the other place.

Getting back to that statistic about 36 per cent of the people, if you turn that around into 64 per cent of the people, you will find that most of them voted for progressive policies, particularly progressive social policies. There was no mandate given to this new government to make changes in those social policies. Canadians quite seriously did want a change in government. They wanted new people to manage the government. However, they were not asking for substantive changes in the way government policy was implemented in this country. In this budget bill, I think the government ignores that. They have no respect for the wishes of the vast majority of Canadians who want to continue with programs such as early learning and child care, who want to continue with the Kelowna accord, who want to continue to meet the objectives of Kyoto and who want to continue supporting post-secondary education and investments in innovation and research. All these things have not been handled in Bill C-13 in a way that is respectful of the wishes of Canadians.

Let me start with early learning and child care, because a number of people have been asking questions about that in the last little while. It is interesting to note what people in the Child Care Advocacy Association of Canada say about this government. They say this government does not understand the benefits of early learning and child care or how to develop it. An allowance to parents, which is what that $100 a month is, is not an early learning program for children. This government cannot seem to understand that at all.

Over and above giving money — as I think our leader calls it, a family allowance, because that is what it is — to call it a universal child care program is an insult to people's intelligence. That is what they are trying to call it. It is a supportive program in terms of family allowance, or similar to it, and no one objects to people having additional money in their pockets, but to suggest that it answers the needs of early learning and child care is absolutely false. It does not create spaces. It does not ensure quality child care is provided in this country.

You know what it is like, honourable senators. It is as if 140 years ago, about the time that Canada started, the government of the day had come out and said, "We will give every parent in this country $100 a month, and you go out and get the education you think you should get for your children." In other words, rather than establishing an education system, the government would give the $100 to people and let them have their own choices. This issue is not about daycare or babysitting per se.

This issue has to do with early learning for our children because early learning will help ensure the future prosperity of this country by ensuring these people meet their maximum potential and take advantage of the opportunities. This government ignores that need by only providing something that has no relationship to the cost of providing those kinds of programs. In Ontario, for example, you are talking about $500 to $700 or more a month, and it is the same for British Columbia. In Nova Scotia, it is from $488 to $565. These ranges depend on the age of the children involved.

Of course, this government not only ignores the real costs but also cuts off funding at age 6, as if that is the end of it. There is no need to provide anything for children beyond age 6. That cut-off is ridiculous. That program is not a child care program. When parents look at a number like $400, $500 or $700 a month, to which they apply $100 a month, which is taxable, the actual amount of money parents get at the end of the day is about $72, on average.

• (1500)

There was a plan in place. It was supported by all the provinces, even the ones with Conservative governments. Even Ralph Klein supported it. They decided to just throw that away and provide this $100 allowance.

The leader did say the government will provide another $250 million a year so they can provide 25,000 spaces. How will they do that? First, they will have a consultation to figure out how to do that. There have been lots of consultations already, but they will do more.

The private sector is in the hopper as being one of the recipients. Here is a quote from *The Globe and Mail*:

> ...75 per cent say their companies are unlikely to take up the budget's corporate tax credit of up to $10,000 for new child care spaces.
>
> In many cases, they do not see it is a priority or they believe their company is too small.

It does not sound like many companies will take up the challenge of creating those spaces. Mike Harris tried that approach and no one took him up on it. No spaces were created. The government will not create any spaces either; it will continue to ignore the developmental needs of the children of our country.

Another provision in this budget to which I will speak is the 1 per cent reduction in GST. In juxtaposition to that reduction is the whole question of personal income tax measures and alternatives.

A quote from *The Globe and Mail* makes the point in this case. It says:

> Mr. Flaherty's budget document defends the GST reduction as a benefit to the poorest Canadians, those whose earnings are too low to incur income tax. But Greg DeGroot-Maggetti, an official with Citizens for Public Justice, said that the cut won't help the poor much.

> "GST isn't charged on the basics, which is food and housing, which make up the biggest expenditures for low-income households. There really is very little for the 1.2 million children and their families who are living in poverty."

The Globe and Mail clearly states that this is the wrong way to go.

Not only that, we have an economist — a tax lawyer, David Douglas Robertson — who says, "Don't tax me when I earn it, tax me when I spend it," which is the opposite direction of this government.

This quote is very instructive at well. He says the answer to the question is clear — talking about GST versus income tax reductions:

> Cutting the personal income taxes is by far and away better for individual Canadians compared to a 1 per cent reduction in the rate of GST. Why?
>
> (1) Cutting the lowest marginal personal income tax rate by 1 per cent and increasing the basic personal amount by $500 is worth about $320 annually to most individual Canadians. In order for an individual to obtain the same tax savings through a 1 per cent reduction in the GST, an individual would have to spend at lease $32,000 annually on goods and services that are subject to GST.

Also, there are basic things that low income and modest income Canadians spend most of their money on — rent or mortgage payments, groceries, prescription drugs, health care, tuition, child care, insurance, et cetera — that are not subject to GST. To get the equivalent value, what will they buy — a Mercedes? We are talking about low and moderate income people, people with taxable incomes between $9,000 and $50,000 annually. They would have to spend 100 per cent or more of their disposable income to take full advantage of this reduction.

Every leading economist in this country — except Stephen Harper — says that this direction is absolute folly; we should cut income taxes. Instead, what are they doing? They are raising the income tax rate for the lowest income group in our country.

After people get their tax announcements that indicate taxes have gone down to 15 per cent, this government will raise it to 15.5 per cent, July 1. Honourable senators, Let us not be in too much of a hurry to pass this; we are passing a tax increase. Thank goodness Senator Austin has a bill, Bill S-15, which will correct that. I hope the bill will be passed by the Senate.

Moving on to tax credits, a couple of them are in the bill, but most of them are not. Even though Senator Angus did not seem to be aware of when they were coming, I take it the tax credits will come in a subsequent bill — the tax credit on the transit, the one on the textbooks, and the one if you are working, et cetera.

The only comment I wish to make about tax credits, since most of them are not here at this point in time, is that I think the government has managed to increase hope. Why would they do this, inflate expectations? They have inflated expectations about what these tax credits mean.

The government talks about a $1,000 Canada employment credit. That sounds nice but the actual tax dollars that credit represents is about 10 to 12 per cent of that, which is the same with any of these tax credits. The tax credit amount looks a lot bigger than the actual tax saving.

In fact, when you talk about the tax credit for textbooks for our students, here is a quote from the government relations coordinator for the Canadian Federation of Students. He says:

> Tax credits are the worst way to allocate student financial assistance. They are blind to the need and are useless to the vast majority of students who aren't even on the income tax rolls to start with.

What kind of a deception is this — putting all these amounts out there and saying the government will provide all these credits when, in fact, they mean little or nothing in terms of the bottom-line tax dollars that Canadians will see?

That is what is in the budget bill, Bill C-13. There are a few other provisions in there as well. Most of them, I think, are not controversial; those provisions are the key controversial ones.

Equally controversial are the provisions that are not there. Bill C-13 falls short of meeting the needs of Canadians by what is not in Bill C-13.

There is Kelowna, first of all. Let us look at the Kelowna accord. The Leader of the Government in the Senate, Senator LeBreton, has tried to skirt around this for a number of Question Periods. She said Kelowna was not really an agreement; it was just a bunch of people chitchatting away — for 18 months, mind you. A lot of people who were there seem to think there was an agreement and they do not particularly like the government reneging on it.

Ralph Klein is a Conservative. He said he does not particularly like it, nor do the other premiers and territorial leaders. He "liked the commitment that was given by the Liberal government to the First Nations and the Metis people." He thought the agreement went a long way to addressing some of the needs of Aboriginal people — of education, of housing, and of dealing with a whole range of issues that relate to women, children and families, particularly violence against families. Kelowna dealt with some of these issues.

What did the Aboriginal leaders say? Here is what Grand Council Chief John Beaucage says:

> This budget is a far cry from what was committed by the First Ministers. Once again, we've been left out in the cold. Like the proverbial poor person looking in through a frosted window watching somebody having a real nice dinner in a fancy restaurant.

Senator LeBreton skirts around it, but the Deputy Leader of the Opposition got her today with Mr. Goodale's statement that $5 billion was put in the budget for Kelowna. The government has not put in anything like that; they put a pittance in the budget compared to that. They have not indicated any kind of commitment. Where is their moral commitment to that agreement?

What do you do, throw out everything previous governments have done? Some good work has been done. Why do honourable senators not get up and say they support Kelowna, they support $5 billion being spent, just like Ralph Klein and the Aboriginal people want.

Kelowna represents an incredible and realistic opportunity toward closing the prosperity gap between Aboriginal people and other Canadians, in education, health, housing or economic opportunities. I can see no reason why any government of any colour in good conscience can walk away from that agreement. I hope the government reconsiders that agreement.

• (1510)

Senator Mitchell had good questions on climate change concerns today in Question Period. We made a commitment to Kyoto. Yes, there was a long way to go and not everything was on track to being done on time, but there were many good things in there and there was a sense of commitment to making that international agreement work. They just threw agreement in the dust bin and say that we failed miserably. What do some people in the environmental community have to say about this? I do not agree that we failed miserably. However, we may hear some independent thought on this subject. On May 2, Dale Marshall from the David Suzuki Foundation said:

> Prime Minister Harper has dismantled the only climate change plan our country had and replaced it with subsidized transit passes that will do little to fight air pollution or convince people to leave their cars at home.... It's completely irresponsible.

From Greenpeace we hear:

> This budget is a climate change catastrophe. It feels like, looks like, acts like, made-in-the-U.S.A climate change policy made by George Bush.

Stephen Harper is doing exactly what Mr. Bush did in 2001. That is not much of a made-in-Canada policy. Time is marching on and the climate-change damage is marching on. Fifteen programs have been cancelled. The EnerGuide program was working well and producing efficiency at $200 per ton cost whereas the transit pass is $2,000 per ton cost, 10 times as much. The government cancels the cheaper one and puts in the more expensive one. That is not marching down the path to make good on our commitment to Kyoto.

When the minister was recently at the meetings in Berlin, people from countries that support Kyoto were horrified by her backing off on the commitments that Canada had made under the environment minister of the previous government, Stéphane Dion, who did a wonderful job when he was in that position.

Post-secondary education is another area that is absent from this discussion. That is regrettable, because the government has cancelled commitments that were presented in the Goodale economic update last fall. These commitments were, by and large, cancelled. They cancelled $3.11 billion over five years, or $600 million a year, and replaced it with approximately $380 million a year. Therefore, they have cut down on post-secondary education support. That is regrettable because that is key to our prosperity in the future and we cannot afford to let down support for people going through our educational institutions and helping to provide for our future.

In connection with that is the lack of support for innovation in research. Everyone in the Conservative ranks talks about prosperity and productivity. Yet, they are not doing anything to help prosperity and economic activity. When it comes to innovation in research, we had more than $2.1 billion in new funding over five years in the previous government's plan and we have managed to reduce that down to $100 million in the Conservative budget. That will simply not meet the needs of this country in the future.

Do not talk to us about prosperity or productivity. This government is doing nothing to put us in that direction. Nor is this government doing anything in terms of international competitiveness. We can return to the same economic statements I made earlier about the GST versus income tax reductions. Most economists agree that this budget does little for Canada's economic competitiveness. A reduction in the GST and an increase in income tax rates is not productivity-enhancing and will not help us to compete in the international marketplaces.

On the subject of economic prudence, the previous government had a significant and positive record when it came to dealing with the economy and our fiscal house. We took over from the previous Conservative government and I hope when we take over again we do not find a mess similar to the mess that was left in 1993.

The government of Brian Mulroney and Kim Campbell saw unemployment at 11.5 per cent. Today unemployment is down to 6.3 per cent thanks to the Liberal government's fiscal management. When we took over from the Conservatives, the debt burden was about 70 per cent, is now down to 38 per cent. That saves us billions of dollars every year in interest that goes to supporting good programs for Canadians. Employment Insurance premiums were cut in half. Federal program spending came down from 16.8 to 12.6 per cent. The foreign debt went from 45 per cent to 17 per cent. We have seen the Canadian dollar appreciate. Personal income taxes, through several tax measures, have come down substantially in that period of time.

The economy was handled well and the Liberal government has turned over to a Conservative government a well managed economy. However, one of the things the Liberal governments included year after year was a measure of fiscal prudence. There was always a $3 billion contingency reserve which, if it was not needed, was put against the debt. I believe that is being continued, but in a smaller amount.

There was, however, an additional amount for prudence which has proven to be valuable. From time to time we run into economic challenges such as September 11, the mad cow crisis,

the SARS crisis or the Asian currency crisis. If we do not have that fiscal prudence we will end up in a deficit very quickly. That is one thing that Canadians do not want any more; they do not want to go into deficit or to add to the debt again.

This government has now removed the cushion that ensures that we do not fall into that situation again. Most economists have commented on the matter of our getting close to a possible deficit situation. If anything should go wrong in the economy we could face that kind of challenge.

If surpluses have increased, it is because of the good management by the former government. This government plans to reduce surpluses through the fiscal balance and that is fine, but I would urge them not to remove the prudence. There was $1 billion scheduled to go into the prudence fund and to increase over the next couple of years. That is not an excessive amount of money, just over $1 billion, but it is wise to do in case we run into rough economic times.

Honourable senators, I cannot be enthusiastic for this budget the way Senator Angus is. He was really on top of his game; he was really hyped up and I could not understand why. There is nothing in this budget to get enthusiastic about. This budget does not respect the needs of Canadians or the needs or wishes of the majority of Canadians who voted for more socially progressive policies to the tune of 64 per cent of the population versus 36 per cent that voted for the Conservative government. Yes, they have a mandate for change, but not a mandate for radical social change. They did not get a mandate for that purpose and this budget goes too far and is not respectful of the Canadian people.

• (1520)

Hon. Lowell Murray: Honourable senators, like Senator Eggleton, I too enjoyed the speech delivered last Wednesday by the sponsor of the bill, Senator Angus. I listened very attentively to him but at one point I could not believe my ears. Therefore, I reviewed the June 7 *Debates of the Senate* and, sure enough, at page 456 I read that the honourable senator said, among other things:

> ...Canada's fiscal laws are in urgent need of overhaul, updating and reform. We have not had meaningful and comprehensive tax reform in this country since the days of Walter Gordon and Kenneth Carter.

I am incredulous. I am cut to the quick that Senator Angus, of all people, would be among those trying to airbrush the Progressive Conservative government of Brian Mulroney completely from the historical record. For the record, allow me to point out that toward the end of our first mandate in 1988, the former Mulroney Finance Minister, the Honourable Michael Wilson, reduced the number of tax brackets from 10 to three; reduced the top federal rate by five points, a reduction made possible by elimination of a number of incentives in both personal and corporate sectors; and converted a number of deductions to credits with a view to targeting assistance to those most in need. For example, the child deduction, family allowances and child tax credit were folded into a chid tax benefit. To Senator Angus I would say, "That is tax reform." With all due respect to the current Minister of Finance, the Honourable Jim Flaherty, and with full understanding of the fact that he has been in office only a few months, nothing in Budget 2006 approaches what was done by the Mulroney government and by Mr. Wilson in the area of tax reform.

In its second mandate, the Mulroney government brought in the GST. I need not remind honourable senators of the destructive aspects of the old manufacturer's sales tax. Year after year after year, successive governments identified those defects and tried to fix them by fiddling with various exemptions of one kind or another and then paying for the variations and exemptions by increasing the rate. To complicate matters further, Canada was entering a global competitive environment hobbled by a tax that increased the price of our exports. Thus, the government of the day brought in the GST. Again, to Senator Angus, I would say, "That is tax reform," and nothing that is in the current budget approaches it.

Honourable senators, I am distressed to see that Mr. Harper, who is nothing if not an orthodox economist and who understands perfectly well that a reduction in the income tax is a far more effective and progressive measure to take socially and economically than a reduction in the GST, nevertheless, allowed his political instincts to take precedence over his economic training. If Mr. Harper wanted to play hardball and strike a blow against vertical fiscal imbalance, the existence of which he has acknowledged, unlike his predecessors, he should put the GST on the table when he sits down with the premiers to discuss those matters. He should invite the provinces that have not harmonized their sales taxes with the GST to do so. At the same time, he might go one step farther and undertake to include the GST in the price of the goods and services being sold. I used to think in my high-principled Conservative naivete that people wanted a visible tax so they would know exactly how much tax they were paying. As it is, people and businesses would prefer to have the tax included in the price. There is another item for the agenda if Mr. Harper wants to strike a blow against vertical fiscal imbalance.

At page 457 of the *Debates of the Senate* Senator Angus referred to Budget 2006 as "investing in Canadian families and communities by introducing Canada's universal child care plan." To Senator Angus I would say, "A universal child care plan, it ain't."

Allow me to take honourable senators back to 1988 and Bill C-144, introduced by the Mulroney government, which provided tax measures, including a child tax credit and an increase in the child care expenditure deduction, a special Aboriginal component that would have created 2,000 daycare spaces over six years and a commitment of $4 billion to cost share with the provinces a minimum of 200,000 new and subsidized daycare spaces over seven years. Honourable senators, that is a universal child care plan.

Bill C-144 died on the Order Paper in the Senate because senators opposite then, as those now in opposition, would not let it pass, although it passed the House of Commons. The bill came to the Senate, was not passed and died with dissolution of Parliament in 1988. In 1989-90, the bill fell victim to budgetary constraints. Fast forward to the year 2000 when the Federal-provincial-territorial Ministerial Council on Social Policy Renewal produced the national children's agenda. Three years

later in 2003, we saw the federal-provincial-territorial framework on early learning and child care. In 2005, the government negotiated agreements in principle with the provinces totalling $5 billion over a five-year period.

I am the first to acknowledge that while there is less to those agreements in principle than the Liberals claim, there is much more to them than the Conservatives say. They were agreements in principle. They stated objectives and goals and went so far as to identify areas for investment. It is true that specific action plans still had to be produced by the provinces within a stated period of time. Each of those agreements had a chart showing how the money from Ottawa would flow year after year for five years. However, a multi-year financing agreement still had to be negotiated, which, I understand, was concluded by only three of the provinces with the federal government. Of course, there were references to Aboriginals and minority language communities but these too were to form part of the action plan to be brought back by the provinces and agreed to by the federal government.

All that being said, like the Mulroney government's Bill C-144, it provided a framework and a basis for a national child care system. That is the important point. What we have before us in Bill C-13 is not a national child care plan but a baby bonus, and not a progressively designed baby bonus at that. As has been mentioned, $250 million has been provided "to support the creation of child care spaces."

At page 103 of the budget plan, honourable senators will see that the government will consult to ensure that assistance is effective in creating additional child care spaces responsive to the needs of parents, et cetera. The key issues for these consultations will include different delivery approaches, the unique needs of small businesses and rural communities and the types of start-up and equipment costs that will be required. In other words, 'the government is reinventing the wheel 18 years after a child care program died on the Order Paper in this place and they are doing so in a way that is totally inconsistent with the approach to federal-provincial relations taken by the Prime Minister, an approach which I have supported. He says that one of the tenets of his federal provincial relations policy is to respect the jurisdictions of the provinces.

• (1530)

Even the Martin government negotiated those agreements in principle in the context of the social union framework agreement, a copy of which I have here. It provides that the design of the child care program is left to the provinces as follows:

> Each provincial and territorial government will determine the detailed program design and mix best suited to its own needs and circumstances to meet the agreed objectives.

Why is the federal government mucking about, consulting about different delivery approaches and the unique needs of small businesses? That is in the provincial jurisdiction. The way to go with a program like this one is to negotiate it in the framework of the social union framework agreement, agree to the financing and to some principles and have the provinces do their thing and thus develop what will become a national child care system. What they are doing now is inconsistent with the approach that Mr. Harper announced at Quebec City and elsewhere on federal-provincial relations.

In 1988, Prime Minister Mulroney went to a first ministers' conference in Vancouver and identified the lack of affordable, flexible and quality child care in this country as being one of the most persistent barriers preventing women from making a full contribution to the nation's social and economic life.

Some Hon. Senators: Hear, hear!

Senator Murray: I am glad to hear the applause from this side because that attitude is nowhere reflected in the policy of the present government.

A year later at the first ministers' conference in Toronto in 1987, Mr. Mulroney told the premiers:

> Working together, we can meet the challenge of achieving equality and dignity for working women — one means to help us achieve that goal is a national child care system.

What a remarkable difference between that compassionate, enlightened and progressive attitude and that of the party that presently forms the government. I am sorry our friend Senator St. Germain is not in his seat — he was there a few minutes ago — because I just want to quote him from the *Catholic Register* of June 11, under the heading, "Canada has lost its moral way, says senator":

> St. Germain also decried the current government policy of supporting child day care. He said he is angry at Canada's willingness to take over for parents as the primary source of moral formation for young people.
>
> "What has our society come to when we are willing to relinquish this responsibility to the state?"

What a remarkable difference between the position taken by Prime Minister Mulroney and his government and the position taken today.

It is fair to say that we will not have a national child care system in this country because the party that now forms the government has a principled objection to that and, in some cases, believes that daycare is morally objectionable. I respect the position, but I profoundly disagree with it.

Eighteen years after Bill C-144 and six years after the National Children's Agenda, we are still farther away than ever from a national child care system. I say this is a loss for our economy, for social cohesion and for disadvantaged kids in this country, and I do not mean just financially or economically disadvantaged. I mean kids who need the assistance of early childhood learning.

Never was that old right-wing cliché "a hand up instead of a handout" more appropriate than it would have been in this case. Instead of a hand up, the present government is giving a handout to the children of Canada. It is a major step backward.

Some Hon. Senators: Hear, hear!

Hon. Grant Mitchell: Honourable senators, I rise to explain why I have grave difficulty with this budget, why I feel it makes fundamental errors and misses unique opportunities that Canada could grasp in its effort to take its leadership place in the world.

I would like to concur with Senator Murray and express my appreciation for his comments about daycare and early childhood learning, about our program. It could be a program of great national consequence and of great consequence for many less fortunate people, in particular, and for many women who do not have the choice not to work but who must work, namely, single parents, and need the kind of support that program would have provided.

I should like to establish my belief that this budget reflects a triumph of votes over policy virtue. The government has tried to depict itself as a government of expertise and of administrative capability, of competence, the word so often used to describe itself. Yet it is clear that on key policy initiatives embraced by this budget, its policy initiative is not based upon prevailing wisdom, facts or a proper study. It is based, quite the contrary, upon pure politics.

My colleague Senator Eggleton made a strong point about the inappropriateness of cutting the GST, if you consider it from any number of objectives. First, it is not real tax cutting that helps people who need their taxes cut. Poor or low-income people would not benefit from it as they would from the tax cuts that we have brought in.

Second, it denies the economic imperatives of productivity and of promoting productivity for this country. Every economist, as Senator Eggleton said, except Prime Minister Harper, is very clear. There is a consensus that reducing the GST will not enhance productivity. Reducing income tax does enhance productivity at a time when Canada's economy needs to be encouraged in its productivity and competitiveness.

Here we have a GST-cutting policy that runs contrary to prevailing, conventional wisdom, facts, analysis and the kind of understanding that should drive this policy differently.

With respect to mandatory minimums, that is a classic "votes over virtue" kind of policy. Many areas of correctional policy and theory are difficult to establish, but it is generally seen by experts in this field that mandatory minimums do not work to reduce crime. When the minister in the other place was pressed to come up with studies that defended the government's position on increasing mandatory minimums, of the three or four studies he produced, one of them did not defend the case either way, and two of them argued against the case he was making.

There is little, if any, support for the idea that mandatory minimums will reduce crimes. The evidence, experience and policy evolution in the United States underline clearly their understanding that mandatory minimums are not a preferred policy initiative by any stretch of the imagination.

On the other side, it will cost a huge amount of money.

• (1540)

This government is resorting to vote buying in perhaps one of the more crass versions that I have ever seen. They have created a problem, this idea that there is rampant runaway crime that is increasing in ways that would suggest it is out of control, when clearly, that is not the case. They then compound that problem by saying that mandatory minimums will solve the problem, when clearly, they will not solve that problem and will cost the taxpayer hundreds of millions of dollars for no apparent good and no achievement whatsoever.

The issue of fiscal imbalance is a third area where the government is denying the facts, as it were. They are trying to create the impression of a problem so they can milk the solution to that problem for political gain. Clearly, they think that they have an issue that resonates well in Quebec. The fact is that if you analyze the issue of fiscal imbalance, it does not exist.

Provinces have more sources of income than the federal government. Amongst them, their additional sources of income are gambling revenues. Not only that, but the federal government turns around and gives $42 billion to the provinces. The provinces have plenty of money. There is not a fiscal imbalance. The equalization program has served this country well and will continue to serve it well, but there is not the fiscal imbalance that Mr. Harper is trying to portray exists. Why would he want to perpetuate that problem? He sees it as a political advantage.

Again, it raises the question: Why would they want to do that at tremendous cost to Canadian taxpayers? If they spend more money to redress a fiscal imbalance that does not actually exist, they will have to find that money somewhere. Where would we find that money? We either have to cut programs, and that is a question I will address later, because clearly, this government has it in mind to cut programs. They will have to cut about $22 billion worth of programs to ever begin to meet their promises. The other alternative is that they will have to raise taxes. One hopes that the government will not pursue that course of action any more aggressively than they already have by increasing the personal income taxes of Canadians that we had cut previously.

There is no issue or problem that lowering the GST will fix; that will create more problems. There is no problem that exists that mandatory minimums will fix; they will likely create more problems and more expense. There is no fiscal imbalance problem that this government's fiscal imbalance bias will ever fix; in actuality, it will cost more money.

That brings me to a fourth issue, and that is the issue of fiscal responsibility and managing an economy. I am reminded of a statement which I believe was made by Sir Winston Churchill. Historians may be able to correct me on this. Churchill once said that if you can convince the public that you are an early riser, you can sleep until noon every day. That is exactly what conservative governments try to do and they have done with some success. From time to time, they have convinced people that they can actually manage an economy and that they are fiscally responsible.

If one were to look at the history of debt in this country, the greatest portion of debt, provincially and federally, that this country has experienced has been created by Conservative governments. I expect that one could make a strong argument that Canadian economies — certainly U.S. economies and stock

markets — underperform historically with Republican governments. If we were to study the subject, I believe that we would find that Canadian economies and stock markets would underperform with Conservative governments.

I come from a province where great effort was made to balance budgets and to begin to pay off debt. I come from a federal party with 13 years of profoundly successful, perhaps unprecedented, fiscal management of this country. We have balanced a budget that had a runaway deficit. I believe that 35 or 40 per cent of the government's entire expenditure was debt and deficit spending. That was turned around, and tremendous strides were being made to pay off the debt up to January.

We now see a budget, as Senator Eggleton pointed out strongly, where there is little regard for fiscal responsibility. I am gravely concerned that this government, in its focus on votes and buying votes, has lost that fundamentally important focus on properly managing the fiscal imperatives of this government. There is no cushion.

An amount of $3 billion a year has been committed to paying off a $488 billion debt. At that rate, it would take 160 years to pay off the debt. How is it that this government can say it is concerned about families and people now when it is prepared to mortgage the future of those families and the children of this country? We must be focused on paying off that debt, and we cannot take that responsibility and those pressures, in any way, shape or form, lightly. I believe that this budget takes fiscal responsibility very lightly.

I wish to focus on the area of the environment in particular. We talk about Canada taking its place in the world. That has great resonance with Canadians; it certainly has great resonance with me. Canada is a privileged part of the world. We are blessed in many ways, and we have a huge responsibility to play a leadership role in the world in many different ways. One of those areas of leadership has been our history in peacekeeping and the work we are doing in Afghanistan, which I applaud.

The Montreal conference chaired by Stéphane Dion showed that we were capable of leadership and respect in the world for our Kyoto initiatives and our environmental policy. That has been lost. The fact is that Canada can and must be a leader in environmental policy, but that has been gutted and reversed by this government's initiatives.

I have listened intently to the Leader of the Government in the Senate and to her counterparts in the other place as to the reasons why the government would choose to cut our 15 climate change programs. I mentioned these reasons today in Question Period. Initially, inefficiency was thrown out.

Clearly, our programs are far more efficient than the one program with which they have bothered to replace those programs. Our programs would cut greenhouse gases to as little as $20 a ton. Their program would cut greenhouse gases to $2,000 a ton, if it cuts greenhouse gases at all. Inefficiency is not the real reason they threw that out.

A second reason that government representatives have said that Kyoto will not work is that the program has been a failure and has not been able to achieve objectives. The government should design a program that will achieve those objectives. Instead, they are contemplating a program to reduce the objectives. That would be a way, I suppose, to solve the problem, but it does not solve the environmental problem.

The third issue — and this is the one that makes me scratch my head — is that we need a made-in-Canada policy. I know that stems from this idea that we might be buying tradeable permits allowing corporations and others to buy permits and to invest that way elsewhere in the world. We encourage our corporations to invest elsewhere in the world all the time it is good business. The easy political response to that has been that we will make it in Canada.

The fact is that the 15 programs the government has cut were all made in Canada. They all apply in Canada. They do not apply internationally. They have great promise and were on their way to being immensely successful.

What deeply frustrates me about this government's inability to grasp the importance of the environment — not just to Canadians, but to Canada's place in the world and people around the world — is that they underestimate the ability of Canadians to do great things. This government has said for the last number of months that Canada could never achieve Kyoto objectives. That is like them saying in 1939 that Canada and Canadians could never do what had to be done to assist in winning World War II.

The environment is a huge problem, and it may be a problem on the magnitude of winning World War II, but no one would ever doubt today that Canadians could do what they did from 1939 to 1945, which required massive commitment, energy and capability.

• (1550)

I believe that if we gave the Kyoto program a chance and took our rightful place of leadership on it, we would demonstrate to the world and to the Conservatives that Canadians can rise to that important challenge, can meet and surpass those guidelines, and provide profound leadership in the world in the issue of the 21st century. Instead, we have a government that views this 21st century problem with 19th century solutions. It is a lost opportunity for people and business in the country and for the place Canada could take in the world.

Finally, I am distressed and disturbed by how little this budget does to assist and manage the economy.

The Hon. the Speaker: Honourable senators, the time allotted to Senator Mitchell has expired.

Senator Mitchell: Could I have five more minutes to conclude my remarks?

The Hon. the Speaker: Is that agreed?

Hon. Senators: Agreed.

Senator Mitchell: Thank you, honourable senators.

In many ways, this budget falls short of contributing in the ways that it could. I have mentioned the GST. Productivity is a profoundly important issue facing this country. The GST reduction will only serve to harm the furtherance of that objective. Reducing income taxes would promote that objective and, of course, that is exactly what this government is not doing.

Our ability to be an economy of the future will be contingent on our ability to educate our children. This government falls short on early childhood learning by virtue of the fact that it is reneging on daycare agreements and not replacing them with the kind of initiative that is required. It is missing the chance to promote post-secondary education in the way the Liberal government did. We were offering students $6,000 over the course of a degree program. Students will now get an $80 tax credit for books and will not have to pay taxes on their bursaries and scholarships. However, very few of them pay taxes anyway, so the government is giving away very little in that regard.

There is an absence of investment in and incentive for research and development. Specific to my region, the gateway to the Pacific program, which was so important to northern Alberta, will be implemented over eight years rather than five. We need these things now.

With its fiscal strength, its powerful economy and the high morale and exuberance of its population, this is the time for this country to grasp the future with respect to environmental policy, with respect to our role in peacekeeping, peacemaking and building democratic societies, and in so many other ways. Yet, those opportunities have been dropped in this budget.

For those reasons, honourable senators, I am very disappointed with the government's first effort at a budget for this country.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to, on division, and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance.

AGRICULTURAL MARKETING PROGRAMS ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Leonard J. Gustafson moved second reading of Bill C-15, to amend the Agricultural Marketing Programs Act.

He said: Honourable senators, I am honoured to rise in support of the proposed amendment to the Agricultural Marketing Programs Act, both as a member of the government and as a proud member of the Canadian agricultural community.

Sir Leonard Tilley once said: "Destroy the farmer and grass will grow in the streets of every city in the nation." We are in difficult times in agriculture. The Canadian agriculture and agri-food sector is the backbone of Canada's rural economy and is critical to the overall economic health of the country. It is responsible for more than 8 per cent of our gross domestic product, and one of every eight jobs in Canada relates to agriculture. A strong and vibrant farm sector that provides security of income for farm families and a strong economic foundation for rural communities will in turn provide secure food supplies for Canadians and others around the world.

Our country's farmers are world leaders in efficient production of high-quality agricultural food products. They deserve our support and help to ensure that the industry and, by extension, rural communities, have a viable and sustainable future. This includes making cash advance payments more responsive to the needs of producers to better reflect the reality of the modern farm business.

To remind honourable senators, cash advance programming refers to a program that makes cash advances available to producers, a portion of which are interest-free, to meet their high cash-flow requirements during spring seeding. The interest-free portion has been raised from $50,000 to $100,000.

It is being proposed that we combine the spring and fall programs, which are already popular with producers, into a single, efficient and more powerful tool. The single cash advance program, known as the Advance Payments Program, the APP, would reduce red tape for producers and extend the repayment period by 18 months. In that way, farmers would have use of the money interest-free for an additional 18 months. Further, under the single cash advance program, the government is proposing an increased level of coverage for farmers and broader coverage to include a much wider range of commodities, including livestock. I believe that the most important part of this bill is the inclusion of livestock. Other commodities such as dairies were not previously included in the program.

• (1600)

Specifically, these proposed amendments would move to a whole-farm approach by increasing the types of commodities covered, including livestock but excluding supply-managed products and breeding stock. The proposed amendments recognize today's larger farm sizes and increasing farm input costs by raising the interest-free component of cash advance loans from $50,000 to $100,000. The proposed amendments increase the overall limits on advances from $250,000 to $400,000 and enhances emergency cash advances.

To give you an idea how the new program would work, producers would secure their cash advances against their stored inventory or, in many cases, potential claims under the Production Insurance Program or Canada's Agricultural Income Stabilization Program in a case of production failure. With livestock now available, cattle producers would hold back animals to take advantage of a better price. That is, they could keep their calfs and steers a couple of weeks or months longer to

get the best price for them. In fact, the officials of the AAFC estimate that the proposed amendment will provide an additional $600 million a year in cash advances to Canadian agricultural producers.

Honourable senators, the amendments we are proposing to the AMPA legislation, are about giving Canadian farmers, whether they have to raise livestock or plant crops or both, better tools to run their businesses in a more stable and predictable financial environment. Now more than ever, producers need a level of financial stability whether they are heading out to the field to begin their spring seeding or heading into the harvest in the fall.

Some of the measures included in this legislation will not be implemented until the year 2007, and the government announced in early May that a transitional program, the Enhanced Spring Credit Advance Program, will be implemented, which would be consistent with the proposals changed in the AMPA. Under this enhanced program, producers can borrow up to $100,000 interest free to cover cash flow demand in the spring. For maximum flexibility, they will have until September 30, 2007 to repay the loan.

As I mentioned earlier, the enhancements to the AMPA improve on what the producers already agree is an extremely useful business tool in their operations. The message we have heard from the industry is basically to keep the program but to improve in these areas.

That is what we have done and that reflects our commitment to listening to the concerns of those working in the industry, and attempting to address those concerns in a way that benefits all Canadians. The beauty of the cash-advance programs is that they empower producers to give them the financial flexibility during peek cash-flow demand periods during spring seeding and fall harvest. They help producers meet their obligations with their suppliers and, just as importantly on the marketing side, they help producers market what they want when it is most beneficial for them.

Honourable senators, farm financial programs must meet the needs for Canadian producers. Producers want programs that are easy to use and responsive to their needs. We believe that a fresh approach to the developing farm income programs is needed. That is why the government is committed to replacing the Canada Agricultural Income Stabilization program known as CAIS, which has not worked for the farmers as well as it should have, with a program that separates income stabilization and disaster relief. That is why the government has replaced the CAIS deposit requirement with a much more affordable fee and has changed the inventory valuation system, a measure that will put $900 million into producers' pockets. The federal government is negotiating with the provinces and the territories to expand the eligibility criteria for negative margins. This is an area where one of the problems, mostly with the CAIS program, occurred. In some cases, farmers who needed the program the most did not get it.

Like those changes, the amendments we are proposing in this legislation provide a fresh approach and response to the current realities of agriculture. We are taking two good programs and making one even better — a program that will cut down on the paperwork and streamline the process for farmers.

[Senator Gustafson]

Most importantly of all, these amendments help ensure greater stability for most farm businesses across Canada. That is good news for not only farmers, honourable senators, but also good news for rural Canada and all Canadians. That is why I urge honourable senators to support these proposed amendments to the act.

I want to thank the Agriculture Committee for their support behind this program. Any of the senators who have been on the committee would be very proud of the Senate, proud of the Senate's work and committee work.

Hon. Joyce Fairbairn: Honourable senators, it is always a tough moment to get up after my colleague Senator Gustafson has given a chapter and verse of the condition of the life of our farm community of which he is a long-time and devoted member. Senator Gustafson and I have been on this Standing Senate Committee on Agriculture and Forestry for a very long time. He has served as a fine chair through many difficult periods and we are grateful for him doing that. Therefore, I stand after him somewhat humbled but, nonetheless, with a few words to say.

First, it is with a sense of relief that I am rising today in support of Bill C-15, which those of us on this side wish to see passed quickly into law so that our farmers can rely on an expansion of tools to help them through what many believe is the most frustrating and challenging farm crisis in our recent history.

In the past, we have looked to the 1930s, with its depression, combined with withering drought, as the historic footprint of challenge to this fundamental Canadian industry and all those who relied on it for their daily living. Today, the scene is different. While we have much enhanced technology and science to move our creative farming industry forward, other challenges have put it on the edge of what many fear is near disaster for its future.

• (1610)

We are no longer standing quite as tall as a lead country to be automatically counted upon here in Canada and around the world. The instrument known as the World Trade Organization simply is not working as its members hoped it would and could. That puts an enormous pressure on Canada, right down to the ground, where our farmers continue to support an industry that is fundamental to the physical and economic well-being of this nation. That, honourable senators, includes the farm families, which are at the very core of this industry, as well as the wonderful towns and communities in rural Canada, which are so important to the support of our big cities and the people who live in them.

This legislation speaks out to all of those hundreds and, indeed, thousands of farmers who have taken their trucks and tractors off the land and brought them to places like Parliament Hill, as they did several months ago on a bitterly cold day, in a desperate hope that their concerns would be felt and their words heard.

Some of those concerns are definitely reflected in this bill, which allows a process of direct cash support to benefit our producers and give them a lift right now and in the longer term ahead.

Bill C-15 builds on its predecessor, Bill C-69, which was introduced last October 27 by the then-Minister of Agriculture, Andy Mitchell. This was not just discovered now; it has been building and building and a path was made on which the new government has been able to walk.

Farmers are continually faced with the same challenges of nature: floods, droughts, insects, wind, and hail — one of the senators, perhaps Senator Gustafson, has referred to the hail that is known as the "white combine" that sweeps through Saskatchewan every year. These farmers are not immune to what we have seen as truly frightening outbreaks around this world coming to our borders, bovine spongiform encephalopathy, or BSE, with cattle, and the so-called avian flu virus, which goes across the world, flying over borders, carried by birds and infecting poultry here on our farms in Canada.

At the same time, we now face a giant of a challenge from governments of friendly countries in Europe and our great neighbour to the south, the United States, who are, on the one hand, in the business of trying to bring down world trading barriers while, on the other hand, removing pressures on their own farming industry with a degree of subsidization that Canada and many other countries in this world simply cannot match. Meeting after meeting has failed. Senator Gustafson and I had the dubious pleasure of attending the meeting in Seattle, where we both were tear-gassed. At any rate, these meetings have failed to produce an agreement that would offer a fair chance for agricultural trade throughout the world, especially among countries that desperately need to be part of that agricultural trade.

In an effort to streamline our system, this bill pulls the Advanced Payments Program and the Spring Credit Advance Program together into an overall new entity called the Agricultural Marketing Programs Act, which hopefully will ease some of the current challenges faced by producers.

In addition to the broad reach of grains and oilseeds, the bill covers livestock production and includes a greater variety of crops, such as blueberries and cranberries. The bill has the ability to add other agricultural products with the exception of supply-managed commodities. The overall limit of advances to the farmers will be increased from $250,000 to $400,000. Interest free advances may be increased from $50,000 to $100,000.

This bill is not perfect. We believe the government could have done a better job providing producers with direct cash for this spring's planting when they needed assistance to get early seeding into the ground. The farmers will still have to pay loans through cash advances and, in the end, some may have to borrow more and increase their debt level to pay their bills. That is the reality of farming in this climate. At a time when total outstanding farm debt reached $51 billion at the end of 2005, and even with the benefit of this bill, some will be hard-pressed to take out loans and increase their debt level to meet expenses.

Our former government acknowledged difficulties in the ability of the Canadian Agricultural Stabilization Income program, known as CAIS, in getting help to the farmers when they needed it most. It, too, was looking for changes prior to the last election. It is encouraging to be standing here today to see this bill before our Senate. Without question, the legislation will be welcomed in the farm community.

We hope the generosity of spirit flowing from the new Minister Chuck Strahl will continue to grow as our Parliament reaches out to those in the industry who need it most. Yesterday Mr. Strahl was before our Standing Senate Committee on Agriculture and Forestry, and strongly underlined his commitment to the farm community and all of those who support it across the country.

Honourable senators, this is a painful situation that faces our farm families. If there was ever an issue upon which we in Parliament can work together to continue to give this fundamental industry a fair chance, then this, honourable senators, is it; and the sooner the better.

Senator Gustafson had an anecdote that he shared with us. I want to close with one. It involves a gentleman who was a great friend of many of us here on both sides of the chamber, and that was the late Honourable Alvin Hamilton. When I was a young girl like Marjory LeBreton in the early days of the 1960s, I was a journalist in the parliamentary press gallery, one of my favourite assignments. Coming from southwestern Alberta, I was always given the agricultural assignments. I thought I should meet the legendary Mr. Hamilton. He was a talker. I thought it would take 15 minutes and it was about two hours before I got out of his office, just worn out. He told me about being minister and how tough and sometimes how horrible the pressures were, the climate, the trade, and the whole bit. I was just so sorry for him by the end of it and I said, "Mr. Hamilton, how could you get through that as agriculture minister?" He said, "Well, Joyce, there comes a time when there is only one thing to do and that is to go in the fields and cry with them." I have never forgotten that. Senator Gustafson has done that. I have done it frequently in recent years; and so today, with this bill, I hope we will get on with it. I hope the Senate can join in support of second reading of Bill C-15 and refer it to the Standing Senate Committee on Agriculture and Forestry today so that the committee can get on with the job.

• (1620)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I can not resist asking this question of Senator Fairbairn, given that she has revealed we were once young. In your long chats with the Honourable Mr. Hamilton, did you also receive the lecture on garbage to energy? He talked about the conversion of methane gas into energy. He was ahead of his time, given it was the 1960s.

Senator Fairbairn: I did indeed receive the lecture and I think without question he was proven correct.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Gustafson, seconded by Senator Meighen, bill referred to the Standing Senate Committee on Agriculture and Forestry.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Pana Merchant: Honourable senators, largely I will speak today with Liberal colleagues in the house and, by extension, with Liberal colleagues in the other place.

Bill S-4 was born in haste for political aims rather than for good governance. The bill is not born of substance. Yet, we have to address it and the politics of it as it affects the future of Canada. The Liberal Party is in the process of self-examination, change and renewal. It is internally absorbed.

[*Translation*]

Our party is absorbed in the important process of selecting a new leader, to make Parliament stronger and more meaningful to all Canadians. Many Liberals are absorbed in policies of the day, a minority government, a possible election at a time when our party is still without a leader. I might add that the Prime Minister seems to have one goal in mind: a majority government.

[*English*]

The minority Conservative government has sent us a "hairball" of Senate reform — a hastily conceived bill, the ramifications of which we cannot know.

Unable to act meaningfully, the government has chosen to tweak the tenure of senators with a change that is really no change. For honourable senators appointed since 1990, assuming death based on actuarial tables, the average tenure of colleagues over those 16 years has been and will be 11.2 years. This bill is nothing more than a change in respect of 3.2 years. For those who say the Senate needs surgery, the government has offered a pedicure.

The first question in reducing terms from 11 years to 8 is whether this bill is really much ado about nothing. The second question is whether this bill will, in any event, pass in the other place. We do not know whether the opposition parties in the House of Commons will support this change. Two of those parties propose that Canada no longer continue as a bicameral government.

[*Translation*]

Great Britain, France, Germany, Italy, India, Japan, Australia and the United States all have two-chamber parliaments.

[*English*]

Worldwide, 73 nations have bicameral governments: 16 in Asia, 17 in Africa, 17 in Europe and 20 in the Americas. All the G8 countries have two chambers, as do 17 of the 29 members of the Organisation for Economic Co-operation and Development, OECD. However, the NDP and the Bloc Québécois know better. Will they support the tweaking of an institution that they say should be abolished? Why did the Prime Minister send us this bill? It will not accomplish meaningful change, which would flow from proper consideration by both Houses and Constitutional experts for change for the future. Ironically, pre-Confederation, Canada elected our senators and, at the same time, the United States appointed theirs. Both have changed. Changing how we get here is no panacea. I argue that Bill S-4 is simply change for change's sake. The Canada West Foundation has doubts about elected senators. Additionally, *The Beaver* wrote this month:

> An elected upper house would be bad for Western Canada, bad for Canada, bad for democracy.

Real thought is needed, such as found in the paper *Challenges in Senate Reform* from the Fraser Institute. None of that has occurred. Honourable senators, Bill S-4 was created on the back of an envelope.

Some provinces will not call for, pay for or suffer the divisiveness of the process to elect senators. Are we asked to pass a bill, which is in any event stillborn because it is unacceptable to some provinces? Will any two provinces adopt identical systems? Will an entire provincial electorate vote on all senators? Will provinces will be required to establish constituencies? Will they coincide with, or combine, House of Commons constituencies?

If the requirement to retire at 75 still applies, would it apply if one were elected at 76? If elected at 76, would the new senator serve until 84? How do we create this mongrel house of some elected and some not elected; some serving until age 75; some elected at 76 and serving until 84; and some with an eight-year hook and others longer? The devil of Bill S-4 is in the details.

Honourable senators, within our caucus we have to approach Bill S-4 in relation not to where we are politically but with the future and the good of Canada in mind, whether or not that creates problems for the Liberal Party in 2006. In my fourth year in this house, I continue to stand in awe of the quality of the members of this chamber. I speak not of myself but of all honourable senators. With the greatest deference to the elected side of Parliament, the qualities of mind and capacity in this house are unsurpassed. The experience, the raw intelligence, the energy and good work done by honourable senators is a credit to each of us and a credit to Canada.

Yet, it is almost entirely wasted because we so often put loyalty to party ahead of voting in accordance with our collective view of what is appropriate. It is almost entirely wasted because, as an institution, we do not deal with the other place in the way we should. When we do not press for what we believe, we lose the respect that the quality of our work merits.

• (1630)

We never say to the Prime Minister's Office and the cabinet, these views must be given the consideration they merit. We hesitate to say, this must be weighed appropriately. Our good ideas are often ignored because they take us for granted.

Why do they take us for granted? In large part, it is because we almost invariably vote along party lines and they have learned to expect it.

As recently as 40 years ago, senators did not even caucus as parties. We swore allegiance to Canada and the Queen; we did not swear allegiance to the party that appointed us. I am as bad as the next person. Many of us see our loyalties primarily to the Prime Minister and the party that sent us here.

Honourable senators, as I address the political realities of our party, we should examine the government's motive behind Bill S-4. This bill was drafted by a Conservative minority government, not to deal with Senate change in substance, but to impose political pressures on the Liberal Party through our caucus in the Senate. We must rise above those pressures. We must not deal with this bill in relation to how it will affect the Liberal Party. We must not acquiesce to a silly, marginal and probably unconstitutional change that will never come into effect. We have to do the right thing and let the political consequences fall where they may.

We have to remember that changes in June of 1867 are still with us 139 years later, and that changes made by us in June of 2006 may still be with us in 2145.

The government can send a reference to the Supreme Court to determine the answer to hypothetical questions. As a Senate, we ought not to be dealing with this bill, which is basically a series of hypothetical questions.

Not knowing where the opposition party stands in the Commons, this bill is a hypothetical question. Not knowing whether this change is constitutional, this bill is a hypothetical question. Not knowing whether it will enable someone elected at the age of 78 to sit until 86, this bill is a hypothetical question. Not knowing how this could possibly function when most of the provinces oppose Senate elections and each would run them differently, this bill is a hypothetical question.

Honourable senators, this ill- and hastily conceived bill was sent to us as a hypothetical question for political reasons. If the Prime Minister will tweak the functioning of one of the Houses of Parliament on a political whim birthed in politics, we must not respond in politics and we must not respond in a two-week window.

I will be interested to know from the Conservative side answers to those many questions about an unworkable, unconstitutional, provincially unsupported tweaking.

Making the Senate more meaningful is a commendable aim. There is much we can do within this institution, and there is much we can do as individuals.

There are things to be considered holistically — elections, regionalization, perhaps as part of a package, even term limits. There are changes to consider within an appropriate structure, but Bill S-4, with simplistic answers to important and substantive questions, will not make the Senate more meaningful.

This is a bad bill based on less than noble motives. I do not advocate study because study cannot change ill to good. Rather, I advocate saying to the government, "We are with you; we want change. We are meaningful; we want to be more meaningful. Work with us for improvement. In the Senate, we, as a Liberal majority, will work with you. Do not play political games with us and we will not play political games with you."

Honourable senators, this is nothing more than a transparent political poison pill. This is not a good start, and we can do better.

On motion of Senator Fraser, for Senator Mitchell, debate adjourned.

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I wish to speak today to Bill S-210 for the purpose of proposing that we should, with the greatest alacrity, send this bill to committee for study.

This bill deals with a question, which is almost the definition of what is a park. Many Canadians have a view that parks — putting aside the one down at the end of the street with bushes and flowers on it and the kind that has a swing and slide in it, which is the favourite kind of Senator Grafstein — along the line of Gatineau Park imply something bigger and more important than that. They embody important aspects of our heritage, to say nothing of our environment, economy, wildlife and the preservation of parts of Canada in a close to pristine condition, allowing always for the enjoyment of those places by Canadians. Such an idea pervades our system of national parks, which is the envy of the world.

It happens that two of the larger parks are in the province in which I have the honour to live, Alberta, and the first national park was in Alberta. Since then, there have been national parks all across the country. There is an understanding among Canadians that national parks are carefully husbanded, that we take great care in legislation and in administration to look after those parks to ensure they are preserved for their original purposes for the enjoyment of Canadians.

Gatineau Park, the subject of the present bill, is not a national park; it is a federal park. It is the only thing that is called a federal park in the country and, as such, it is a very poor cousin. It is not subject to the same kind of care, with respect to either its boundaries or the things that go on within its boundaries, which national parks are subjected to.

Since at least 1971, concerned citizens and environmental groups have agreed that Gatineau Park, in particular, needed some form of legal status, as well as protection from unsuitable encroachments, developments and sell-offs to which it has been subject from time to time. I think most Canadians would be unhappy to learn that those things have happened, but they have.

While the park's boundaries were originally set by an Order-in-Council in 1966, they were changed by a mere administrative fiat in 1988. It is a shame. Changes have since been approved from time to time that have changed the nature of properties within that park, have changed the boundaries of the park and, to this day, those changes are done behind closed doors.

• (1640)

Honourable senators, we must remember that changes to national parks, either additions to them or removals of land from them, require the approval of Parliament. They cannot be made without the approval of Parliament, but changes in and to Gatineau Park are done almost in private. This situation has allowed the National Capital Commission, within whose purview Gatineau Park presently exists, to change the boundaries without public consultation, let alone referral to Parliament, and without the review or knowledge or approval of those of us here in Parliament who are concerned about these things. As a result, several properties have been severed from the park and put up for sale. As a result of its 1997-98 rationalization exercise, the NCC has removed 48 properties, comprising 1,507 acres, from what was once Gatineau Park. These include 13 properties comprising 430 acres that have been sold, 13 properties comprising 430 acres transferred to the Quebec ministry of transport and six properties or 436 acres that have been offered to Chelsea. There are also 16 properties, or 296 acres, declared surplus — how parklands can be surplus is beyond my comprehension — and whose location the NCC will not even reveal since doing so will harm its negotiating position.

The National Capital Commission, in the Gatineau Park Master Plan (1990) makes three points. The first point concerns the legal status and boundaries of the park and the creation of a legal framework to allow the park to be better administered and protected. The second point deals with the creation of legal status for the park that would require the development of a program to acquire private properties, municipal roads and all other similar assets. The third point concerns the benefits of creating a legal status for the park. That status would officialise the park's role and its status among other Canadian heritage land holdings.

That is correct, but the National Capital Commission has failed to act on any of those three recommendations or to bring into effect any of those three points.

The public interest, and not just the interests of people who live in Gatineau or in or around the national capital, but the people of Canada and the public interest of the people of Canada demands action on this issue. This is a park in which every Canadian has an interest. It is a park that is attendant to the National Capital Region, honourable senators. This bill seeks to do exactly what the National Capital Commission said in 1990 ought to happen. The NCC has failed to establish the boundaries of the park and establish the means by which and the circumstances in which the National Capital Commission may deal with, treat with, transfer, develop, sell, divest itself of or otherwise do business having to do with the land that is presently, for the moment at least, contained within Gatineau Park.

A simpler solution would be to declare it a national park and maybe some day that would be a good idea. In the meantime, it would be a very good idea if this bill were given careful consideration by the committee to which it will be sent and that the recommendations of that committee be brought back to this house. This is a matter of national and very long lasting importance, honourable senators. I recommend we vote as soon as we possibly can to send this bill for study. Thank you.

On motion of Senator Fraser, for Senator De Bané, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Comeau*).

Hon. Ethel Cochrane: Honourable senators, it is my pleasure to rise today to speak at second reading of Bill S-205, an act to amend the Food and Drugs Act (clean drinking water), introduced by Senator Grafstein.

As Senator Grafstein has made clear, this is not the first time senators have debated the content of this bill. Indeed, Bill S-18 was introduced by Senator Grafstein in February of 2001. The bill died on the Order Paper in 2002. Bill S-42 was introduced in the 28th Parliament and died on the Order Paper after Parliament was dissolved last November. Bill S-205 is identical to Bill S-18 and Bill S-42 introduced in the 37th and 38th Parliament.

At the outset, I wish to state that I share Senator Grafstein's view on the importance of safe drinking water. I also commend the senator on recognizing that achieving the subject means more than having drinking water standards, but that we must ensure also that our sources of drinking water — lakes, rivers, aquifers — are protected from pollution.

The question, I believe, is whether we need to establish a federal regulatory regime to protect drinking water as proposed in Bill S-205, or do we achieve more effective safeguards by building and supporting the current collaborative approach in which provinces and territories exercise primary responsibility for drinking water?

The federal government has a distinct role in conducting the science required to develop guidelines, which are used by provinces and territories as a basis for establishing their own regulatory requirements. This approach ensures national consistency. At the same time, however, it also avoids unnecessary duplication and acknowledges the regional and local priorities that can best be addressed at the provincial and territorial level.

In short, honourable senators, I believe that Bill S-205, while well intentioned, would simply add another layer of bureaucracy to the management of water and would essentially cause the federal government to step into an area of provincial jurisdiction. It would not provide a system that is more protective of human health than what we have today and which we are jointly building with our provincial and territorial partners for the future.

Honourable senators, the Walkerton tragedy was a wakeup call for all orders of government, which have perhaps become complacent about the safety of drinking water. I do not need to remind honourable senators that this same bill was first introduced in 2001 largely in response to the Walkerton tragedy.

Were Walkerton and North Battleford indications of systemic failures in our drinking management regime or isolated incidents that turned into tragedies? I believe these incidents were a clear warning that without action, incidents like this one are going to increase. Justice O'Connor, who led the Walkerton inquiry, made his point clear. He said,

> The Walkerton experience warns us that we may have become victims of our own success, taking for granted our drinking water safety. The keynote in the future should be vigilance.

• (1650)

All orders of government recognize the importance of Justice O'Connor's findings and have acted to put in place the safeguards that Bill S-205 would merely duplicate. This has been achieved under the existing federal-provincial-territorial approach which respects jurisdiction and takes into account local and regional priorities and capacity.

Indeed, since 2001 all provincial and territorial governments have strengthened their legislative, regulatory or policy regimes to protect their drinking water. These actions by federal, provincial and territorial governments have not been limited to drinking water quality standards. As we learned following the inquiries after the Walkerton and North Battleford incidents, drinking water standards by themselves do not ensure the safety of drinking water. Governments, both nationally and internationally, are now adopting multi-barrier approaches for protecting drinking water quality.

Honourable senators, source-of-water protection is an important first step in the multi-barrier approach. To achieve this, federal, provincial and territorial governments are adopting watershed-based approaches to prevent pollution of source waters, a key recommendation of the Walkerton inquiry. Today, land use decisions and policies are being made with a view to ensuring the protection of the rivers, lakes and aquifers that serve as sources of drinking water.

There are many good examples of these new approaches, including Ontario's development of source-water protection plans and Quebec and Alberta's watershed management protection strategies. An important distinction needs to be made between what provinces and territories are doing and what Bill S-250 proposes, as well as what is proposed in Senator Grafstein's Bill S-208 which deals with the creation of an agency to oversee protection of watersheds.

Decisions on watershed and source-water protection should not be taken essentially in Ottawa. These are decisions that need to be made by communities and stakeholders locally, overseen and supported by their provincial and territorial governments. People in the area of the watershed are best equipped to understand the battles between environmental, economic and health priorities and to take the decisions that ensure their well-being, taking a population-based approach to best protect their health.

The federal government certainly has a role. The government is a major player in these watershed approaches and leads or participates in a number of programs. These include the action plans for the protection of the Great Lakes and the St. Lawrence River ecosystems, federal contaminated sites clean-up programs and regulation of pollutants under the Canadian Environmental Protection Act.

In addition, innovative federal programs such as the Agriculture Policy Framework have been designed and implemented to ensure that environmental protection and health concerns are an integral factor in planning for the sustainability of our farming sector.

The multi-barrier approach means more than source-water protection. Other key components include effective treatment and maintenance of water quality and the distribution system, including regular testing.

I was surprised to hear today that Ottawa tests its water every single morning. That is great.

Further key components include operator training and infrastructure renewal as well as a scientifically-based set of guidelines to use as enforceable standards for the protection of drinking water from environmental and other contaminants.

Over the past few years, all governments have been developing programs, best management practices and regulations to implement these objectives.

Honourable senators, we are turning the corner on Walkerton, North Battleford and Kashechewan by working collaboratively with our provincial, territorial and Aboriginal partners to put more rigorous measures in place to ensure the safety of drinking water. We have done this without raising significant issues of constitutional authority or the significant costs of an enhanced federal role in inspection and enforcement that would overlay existing provincial and territorial regimes.

This cannot be said for Bill S-250, which, leaving aside its potential constitutional ramifications, would raise questions on how it can be put into practice. Together with Bill S-208, it would bring federal oversight to watershed management and land use

decisions that could impact source-water quality. Where would provincial authority to make decisions end and federal authority begin? The bottom line is that provinces and territories are already implementing these approaches.

Honourable senators, Bill S-205 simply duplicates the work that has already been accomplished through cooperation by all levels of government. Rather than establishing a federal regulatory regime for drinking water, as proposed in Bill S-250, we should continue to work with the provinces, the territories and our Aboriginal partners within the current water management regime to address drinking water quality priorities for all Canadians.

The Hon. the Speaker *pro tempore*: Senator Cochrane, will you accept a question?

Senator Cochrane: Yes.

Hon. Tommy Banks: Honourable senators, again, I am hopeful that this bill will be sent to the committee of which Senator Cochrane and I are both members. However, I believe that the distinction to which Senator Cochrane referred is clearly made in this bill and in the matter with which it deals. The management of water as a consumable is not all that clearly within the exclusive purview of provinces, because it is a consumable. It is clear that in Canada we have national enforcement of regulations for the safety of the Canadian public to ensure, for example, that a manufacturer of a consumable of any kind cannot move to a jurisdiction in Canada that has less strict control over the safety and health aspects of what it is putting into a can, a bottle or a pipeline in order to escape higher standards.

With respect to every other consumable that we eat — corn flakes, chocolate bars, beef, corn, bread — Canada has said that we need nationally enforced national standards in order to ensure that things do not escape to the vacuum of a less strict regime. This is judged to be in the best interests of Canadians. That is true of bubble gum, Coca-Cola, popcorn, bottled water and packaged ice. Those things are all subject to federal food and drug law, control, regulations and enforcement. The result is that Canadians have good reason to assume that the things they put into their mouths to consume will probably not make them sick.

The only thing we consume on a daily basis that is not presently subject to the provisions of the food and drug controls that exist in this country is the one thing without which we cannot live. It seems absurd that we nationally control bubble gum and bottled water and have sanctions to deal with people who improperly deal with the safety aspects of those consumables while the one consumable that we do not control within the purview of the Food and Drugs Act is the one thing without which human beings cannot live — water.

• (1700)

I wonder whether Senator Cochrane agrees with me.

Senator Cochrane: I wish to thank the honourable senator for his speech; it was wonderful. However, you and I know that Walkerton was the wakeup call for all of us when it came to drinking water and the safety of drinking water. The federal government must do the scientific work and it has done the scientific work. I do not want to go forward and walk on boundaries because the provinces have their own water supply and they take care of protecting their water supply. They have various qualified people to look after their own water supply. Each little community — and, God knows, there are many of them in Canada — has its expertise. Being on the federal side, I do not think we should walk on their jurisdiction. We will deal this subject in our committee quite adequately, I am sure.

The Hon. the Speaker *pro tempore*: Senator Cochrane's time has expired. However, Senator Banks may have one more question.

Senator Banks: This is a hypothetical question, but it refers to what Senator Cochrane talked about. A hypothetical answer will do very nicely. If the problem of health of a consumable causing danger and harm to the health of Canadians had arrived in, for example, beef, chicken or fish; and if that commodity had not at the time been under the purview of the Food and Drugs Act, would the honourable senator not agree that it should be made so in order that the purveyors of that fish, beef or soft drink could not move to another place to avoid the strictures and controls? The only way that can be achieved is with a national program with national aspects of enforcement.

Senator Cochrane: The honourable senator has asked a hypothetical question. The hypothetical question will be answered in committee.

On motion of Senator Keon, debate adjourned.

THE SENATE

MOTION TO IMPLORE PRESIDENT OF RUSSIA TO ASSIST IN LOCATING RAOUL WALLENBERG— ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Meighen:
>
> That the Senate of Canada implore President Vladimir Putin, President of Russia, to use his good office to shed light on the whereabouts of Raoul Wallenberg, the Swedish diplomat who was responsible for saving the lives of thousands of people from the Nazi death camps. Mr. Wallenberg was allegedly seized by the Soviet Army on January 17, 1945 and has not been seen or heard from since.—(*Honourable Senator Cools*)

Hon. Consiglio Di Nino: Honourable senators, I have had a chat with my colleague Senator Cools and she has asked me to make a representation about this issue. She was concerned about the appropriateness of the Senate in effect, as I suggest in my motion, imploring the Russian president to assist. She felt that it was not an appropriate thing and we probably did not have a —

The Hon. the Speaker *pro tempore*: Honourable Senator Di Nino, this is one of your motions. Are you closing the debate? If you speak now, you are closing the debate. This is your motion.

Senator Di Nino: Your honour, I am seeking guidance. Senator Cools said that if I were to make what she calls a friendly amendment, she would not have an objection and I could then close the debate on my motion. I am prepared to do that, if that is appropriate. Senator Cools is not here, but she did ask me to make that request.

The Hon. the Speaker *pro tempore*: Before I let the honourable senator close the debate, are there any other honourable senators who wish to speak on this question? If not, I will acknowledge Senator Di Nino at this time.

MOTION MODIFIED

Hon. Consiglio Di Nino: Honourable senators, the friendly amendment replaces the word "implore" with the following words: "support the effort of International Raoul Wallenberg Foundation regarding their request to..." It would then continue: "...President Vladimir Putin", and so on. From my perspective, it still respects the principle and the intent and does not change materially what I had intended to do. Therefore, I would ask permission to make that amendment. We could then vote on the motion that I have on the Order Paper.

The Hon. the Speaker *pro tempore*: Senator Di Nino is asking for leave. According to our rule 30, a senator who has made a motion or presented an inquiry may withdraw or modify the same by leave of the Senate. Senator Di Nino wishes to modify his motion, so he needs leave. Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Di Nino: Honourable senators, I will repeat the amendment. On the motion, where it says, "That the Senate of Canada implore...", we will replace the word "implore" with the words: "...support the effort of the International Raoul Wallenberg Foundation regarding their request to..." and then it would continue on "...President Vladimir Putin...," and so on.

The Hon. the Speaker *pro tempore*: Would you repeat that again, Senator Di Nino?

Senator Di Nino: Yes, I will repeat it. After "...the Senate of Canada...", replace the word "implore" with the following words: "support the effort of the International Raoul Wallenberg Foundation regarding their request to..." and then it would continue on from there.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion, as modified?

Hon. Senators: Agreed.

Motion agreed to, as modified.

[*Translation*]

THE SENATE

MOTION TO ACCOMMODATE SENATORS SPEAKING ANCESTRAL LANGUAGES—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Bryden,
>
> That the Senate should recognize the inalienable right of the first residents of the land now known as Canada to use their ancestral language to communicate for any purpose; and
>
> That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language may do so.

Hon. Madeleine Plamondon: Honourable senators, I would like to say a few words on the inalienable right of the first residents of the land now known as Canada to use their ancestral language to communicate for any purpose.

I have always shown my support for Senator Adams' and Senator Watt's requests. Because the election was called, we were not able to follow up on those requests. I have often expressed my opinion on this matter. I believe it is important — since it is a question of breaking down boundaries — to prevent the creation of solitudes within the Senate, but above all, this would constitute a democratic step forward.

A senator's function and responsibilities are important and require active participation in debates. Senators must be able to participate fully and completely. With all of the technology available to us today, it is rather surprising that we are even wondering if someone can be authorized to speak in their own language. There is no doubt that it is easier to express oneself more clearly and more completely in one's mother tongue than in another language. We must facilitate this practice here. It is not a privilege to be granted; it is the recognition of everyone's right to speak, a sign of respect, and a privilege for listeners to hear our colleagues' thoughts, ideas and opinions. The argument of the cost involved does not hold up. Based on what we have heard, it could cost $1 million, which is 1.2 per cent of the Senate budget.

Senator Corbin's proposal is worth much more than that. It is a message of openness and cultural rapprochement. The proposal is reasonable and makes good sense. We should not wait to find a solution that would apply to all Aboriginal languages. The idea here is to make it easier for our colleagues to use their mother tongue, Inuktitut, to express their arguments, ideas and thoughts. In so doing, we are giving everyone the privilege of understanding another culture better and benefiting from it.

Let us take this first constructive step in order to enable everyone to participate fully.

On motion of Senator Comeau, debate adjourned.

• (1710)

POST-SECONDARY EDUCATION

INQUIRY—DEBATE ADJOURNED

Hon. Claudette Tardif rose pursuant to notice of May 31, 2006:

> That she will call the attention of the Senate to questions concerning post-secondary education in Canada.

She said: Honourable senators, a year ago I gave my first inquiry on the state of post-secondary education in Canada. As I have stated before, post-secondary education is a public policy issue critical to the future success of Canada, and therefore deserving of specific direction and support. Earlier this year, Canada's premiers, along with experts from every sector of the Canadian post-secondary education system, gathered in Ottawa for a Council of the Federation Summit on Post-Secondary Education and Skills Training.

As Premier Charest noted, it was the first time in the history of Canada that the provincial premiers and territorial leaders called together any such meeting.

It has been stated ad nauseum, but probably bears repeating, that in the 21st century a highly educated populace is a country's ultimate resource. In an increasingly globalized and interdependent knowledge-based economy, it is the countries and nations who awake and respond most quickly to this reality that will reap its economic and social rewards.

It is my belief that, despite the acknowledged importance of post-secondary education to the economic and social success of Canadians, we as governors and policy-makers have failed in providing it with the focus, direction and support it deserves.

We must move now, honourable senators — swiftly, efficiently and intelligently — and end the stagnation and stalemate looming around this important public policy issue.

[*English*]

Recently, while still serving as Canada's Executive Director to the International Monetary Fund in Washington, Mr. Kevin Lynch who is now the Clerk of the Privy Council and Secretary to the Cabinet, wrote a paper outlining the three most critical policy challenges and opportunities facing Canada. The paper was published in the April-May issue of *Policy Options*, the public policy magazine of the esteemed Institute for Research on Public Policy. My honourable colleague Senator Segal can surely attest to the institute's high quality.

Of particular interest to this inquiry today, Mr. Lynch declares in his paper that "increasing Canadian productivity growth" and "improving our human capital through education and training" are important public policy challenges facing Canada today. In fact, they are intertwined, as education and skills training lead to a more efficient and effective workforce, and also lead to productivity advances through the commercialization of ideas and innovations.

While Canada has done well on both the productivity and human capital fronts, it continues to lag in comparison to most of its comparable trading partners and comparable nations, especially the United States. There is a productivity gap in Canada, and it continues to widen. Canada's gross expenditure and research and development as a share of GDP is below most G-8 countries and below the OECD average of 2.3 per cent. We are at 2 per cent. According to OECD numbers, Canada's private sector research and development as a percentage of industry value added is the lowest in the G-7. Public sector funding of research and development has increased, but commercialization of that research is inadequate as compared to the United States.

Canada has a post-secondary education attainment rate of 44 per cent, which at first glance seems significant, but pales when it is contrasted with what nations such as the United States, China and India all strive to achieve. It is also inadequate considering that such a large and growing segment of our population — Aboriginal Canadians — are being left out of the fold. We also are behind in educating graduate students in this country. Our goal should be to have 25 per cent of university spaces in Canada filled by graduate students, which will align us with other global competitors such as the United States. Instead, our numbers are around 18 per cent.

There are many reasons why a post-secondary education is important, not the least of which is the personal reward and fulfillment that it provides to the recipient. But here is another reason, as stated by Mr. Lynch, Clerk of the Privy Council:

> OECD estimates suggest that adding one year to the average educational attainment in a country can increase its GDP per capita by 5 percent.

That percentage is staggering, honourable senators, one unlikely to be achieved through any other productivity driver.

Kevin Lynch, Anne Golden, President and CEO of the Conference Board of Canada, and Janice MacKinnon, Vice-Chair of the Institute for Research on Public Policy, IRPP, Professor of Public Policy at the University of Saskatchewan, and former Minister of Finance in the Romanow government, all single out Canada's research and development, commercialization and post-secondary attainment rate deficiencies. They also identify two preconditions for future success on these files: speed and a national strategy.

If Canada wishes to remain a significant competitor in the global economy, it must move quickly in implementing public policy aimed at increasing our productivity and post-secondary attainment rates. Radically accelerated advances in technology have levelled the playing field, meaning that anyone anywhere in the world can achieve financial and social success without having to leave their country, no matter what the restrictions of local realities. Countries that make investments and advances in the education of their population, as well as the commercialization of their ideas, dominate the global market. The world is in flux, honourable senators. New paradigms are being created. The race is on, and we do not have the luxury to sit it out. If Canadians want our current standard of living to be maintained and if we want it to grow for our children and grandchildren, then we must take action immediately. We certainly will not recognize it now

but, in hindsight, waiting for one year or more might be the difference between Canada being a global player and a global pretender.

• (1720)

As Anne Golden asserts, "regional parochialism is the 'elephant in the room'" when it comes to addressing issues surrounding post-secondary education, as it is with so many other public policy issues in Canada. Questions of jurisdiction, responsibility, funding appropriations and addressing whether the fiscal imbalances between the federal government and the provinces abound often hinder real progress. Yet, it would be unfortunate, if not disastrous, for the current model of shared responsibility to be modified without first having mechanisms put in place to ensure that significant levels of funding for post-secondary education are maintained throughout the country.

[*Translation*]

It is my belief that abandonment by any federal government of its shared responsibilities in the area of post-secondary education should be met with resistance and protest. *Restoring Fiscal Balance in Canada* asserts that:

> Federal and provincial-territorial governments must continue to work together on certain shared priorities such as providing to all Canadians affordable, accessible and high-quality post-secondary education and training that is responsive to the needs of the labour market and supports an innovative economy through a world-class research capacity.

To quote Golden:

> We need national leadership and genuine inter-governmental collaboration to address these pan-Canadian issues.

In the 2006 federal budget, the government committed to:

> ...the Minister of Industry developing a science and technology strategy, in collaboration with the Minister of Finance, that will encompass the broad range of government support for research, including knowledge infrastructure.

I believe it is important that in formulating this plan, several things must be accomplished. The first is that the strategy must establish tangible goals and deadlines. We must determine where we would like to be as a country in terms of productivity, as well as undergraduate, graduate and post-doctoral completion rates.

Do we wish to be a leader in these areas, and if so, how much more funding and support must be given to achieve that end?

Secondly, the consultation process must be transparent and collaborative, allowing experts and leaders from across the country and even abroad to provide feedback. And lastly, again, I must impart the need for urgency in the development of this plan. The government has indicated that it will develop the strategy "over the next year." I would urge that it accelerate that process.

[*English*]

I also wish to take the opportunity to suggest that the Senate focus on post-secondary education and to consider in the near future establishing a Senate subcommittee to explore some of these issues in greater depth. I am eager to collaborate with any and all policy-makers who are determined to undertake such a venture.

As I have stated many times before, the time has come for the Prime Minister of Canada to call a first ministers' meeting on post-secondary education and skills training. This is yet another way that the provinces, territories and federal government can engage in dialogue and set forth a collaborative, positive plan of action. The first ministers have repeatedly met on another issue with joint responsibility — health care. Therefore, there is no reason why a meeting on the issue of post-secondary education could not occur as well.

In her paper in *Policy Options*, Janice MacKinnon states:

> Just as railways, canals and roads provided the main arteries for economic development in the 19th and 20th centuries, laboratories, synchrotrons and other research infrastructure are the foundations for economic developments in the 21st century.

Ideas are our world's greatest commodity in today's global economy. Seeing matters in this light, it becomes easier to understand not only why we must begin to invest now, but also why all levels of government must be involved. If we wish to keep up with other nations of the world that are rapidly educating their citizens and building their maps of tomorrow, we must employ every ounce of our labour in this cause. We must embrace the knowledge frontier with the same courage, fortitude and entrepreneurial spirit that emboldened the founders of this grand experiment called Canada and to do so with the goal of camaraderie and community that first united us as a people.

On motion of Senator Segal, debate adjourned.

[*Translation*]

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE ADJOURNED

Hon. Marilyn Trenholme Counsell rose pursuant to notice of June 7, 2006:

> That she will call the attention of the Senate to concerns regarding the agreements in principle signed by the Government of Canada and the provincial governments between April 29, 2005 and November 25, 2005, entitled, "Moving Forward on Early Learning and Child Care," as well as the funding agreements with Ontario, Manitoba and Quebec, and the agreements in principle prepared for Yukon, Northwest Territories and Nunavut.

She said: Honourable senators, it is a privilege for me to open the debate on this motion which affects children, their families and our responsibility, as Canadians, concerning early learning and child care, more particularly as regards the agreements in principle between the federal government and the provinces and territories, and the situation as of June 2006.

It is absolutely unacceptable and unfortunate that some individuals, including members of the Liberal Party, attempted, in press releases, to dismiss the agreements in principle by talking about a deathbed repentance and the like. That is not fair. It is not right.

We will recall that the debate on this issue started when the Right Honourable Jean Chrétien proposed a national child care program, a program that was announced in the famous 1993 red book, at pages 38 and 40. "A deathbed repentance, not at all!"

Ten years later, in December 2003, in his maiden speech as the newly elected leader of the Liberal Party of Canada, the Right Honourable Paul Martin pledged that early childhood development would be a priority for his new government.

In the Speech from the Throne, on October 5, 2004, this priority was developed:

> Parents must have real choices; children must have real opportunities to learn. The time has come for a truly national system of early learning and child care, a system based on...quality, universality, accessibility and development.

Let us look back at 1993. Why did the Chrétien government plan fail? As the Minister of State for Family and Community Services from 1994 to 1997, I attended a provincial meeting in Victoria. One of the items on the agenda was the Chrétien government plan to advance the issue of child care and the federal government's desire to share the costs fairly and equitably among the provinces.

It is unfortunate that the funding agreement proposed by the Chrétien government became the stumbling block to the negotiations between the provinces. Unfortunately, the provinces do not wish to share the costs of this new social program.

• (1730)

Honourable senators, can you imagine that the honourable Stockwell Day, as chair of this conference, promoted Prime Minister Chrétien's objective of quality child care in order to offer a real choice to parents. It is a commitment of the Liberal Party of Canada to early learning and child care, not "a deathbed repentance" or a press release.

Honourable senators, I sincerely believe there are still people from every political party today who truly want to have quality child care and want early childhood development to be one of Canada's essential priorities.

I think you share my passion and that most of us continue to share a vision of a country where every child from the earliest age can have the best possible opportunities whether at home or in the community. This debate is alive throughout Canada.

[Senator Trenholme Counsell]

[*English*]

In the announcement of this inquiry, I referred to the agreements in principle negotiated by the Honourable Ken Dryden with his provincial colleagues. I will read excerpts from each of our 10 provinces.

On April 29, 2005, Saskatchewan and Manitoba were first, moving forward on early learning and child care. Again, the guiding principles in every province were quality, universal inclusiveness, accessibility and development. Premier Calvert said it so well:

> Our vision is to ensure that all Saskatchewan children enjoy a good start in life, and are nurtured and supported by caring families and communities ... by supporting innovative programming that integrates early learning and child care with community and school-based programs and services.

Premier Calvert compared this agreement to Medicare.

> From that small beginning in Saskatchewan, a system has developed that is part of the fabric of Canadian society, and is at the heart of social policy.

That same day, Premier Doer said:

> We are pleased that the federal government has followed through on this important commitment .... Today's agreement will help us continue to build Manitoba's child care and early childhood development system, which is one of the best in the country.

On May 13, 2005, Premier Danny Williams signed an agreement for his province and said:

> Making sure that our youngest citizens get the best start in life is one of the most important priorities for parents and families in our province.... to ensure children and families have access to a quality early learning and child care system, and that early child care educators and providers receive the training and supports they need.

Premier Williams recognized that the good people who care for children outside the home would have a greater hope for their betterment in a career that too often and for too long has been overlooked professionally.

Three days later in Nova Scotia, May 16, Premier John Hamm said:

> Our future belongs to our children, and this Agreement in Principle will help us better support them in the years to come.

The plan in Nova Scotia included operational grants, revised eligibility for subsidized spaces and improved retention and training supports for early childhood educators and child care educators.

Premier Hamm was speaking about more than spaces. He was speaking about real vision for real challenges.

In Alberta, on July 7, 2005, Heather Forsyth, Minister of Children's Services, said:

> From the beginning, we have focussed on getting to what Albertans told us they wanted for child care, which was choice... We look forward to continuing to build on a wide range of programs, recognizing that parents should have options and choices in caring for their children.

It was Alberta's intention to establish links between home and communities, affirming that parents and families have the primary responsibility for the care and nurturing of their children, and recognizing that early learning and child care is a provincial responsibility.

Next, in British Columbia, on September 29, 2005, Premier Gordon Campbell said:

> We want to ensure that B.C. families have access to a sustainable, flexible, and affordable early learning and child care system that will ensure B.C. children get the support they need to thrive and succeed. The agreement... will help parents balance the demands of work and family, and assist child care providers with new funding. It is a critical step in achieving our goal...

Quebec, October 28, 2005: a funding agreement — not an agreement in principle — was signed.

[*Translation*]

> Canada's goals are very similar to those already pursued by Québec in its system of educational child care.

This first Government of Canada funding agreement on early learning and child care was acclaimed as a historic event.

[*English*]

Quebec's Minister of Families, Seniors and the Status of Women, the Honourable Carole Théberge said:

> We are pleased that the federal government recognizes that Quebec is a leader in child care... It will give us great pleasure to share the expertise we have acquired over the past few years with our colleagues of other provinces.

Honourable senators, this agreement was a great Canadian moment, one of sharing, of vision and of hope. Is all of this lost? I believe it is not because I believe that one day we will join hands again from coast to coast to coast on behalf of families and their children. A few dollars a week, our daycare spaces without vision will never replace this great Canadian dream. It will rise again.

After Quebec, Prince Edward Island and New Brunswick signed on the same day — November 24, 2005 — why did it take so long? I cannot answer for PEI, but I do know that Premier Lord insisted upon enough flexibility to allow money to go to rural areas.

PEI's Minister of Health, Social Services and Seniors, the Honourable Chester Gillan said:

> Today's announcement is good news for children and their families, as well as for future generations of Island children.

PEI's plan was to enhance the child care subsidy rate, increase direct funding to operators, provide infant incentive grants and provide the capacity of early learning centres to include children with unique needs.

Colleagues, this agreement is so much more than daycare spaces. Speaking for Premier Lord, the Honourable Joan McAlpine-Stiles said:

> We now have the flexibility to develop a made-in-New Brunswick plan that will continue to build on the foundation of a strong child care sector involving more services for rural New Brunswick and for families who currently do not benefit from our early learning and child care.

Finally, in Ontario on November 25, the Honourable Marianne Chambers, Minister of Children and Youth Services, said:

> This is great news for Ontario families. This is part of our government's best start plan to help Ontario children arrive in grade one ready to succeed.

Agreements in principle for the Yukon, Northwest Territories and Nunavut were prepared but were unsigned at the time of the election call. However, federal funding was allocated for one year. For our northern families especially, we must hope that this setback is merely a pause in Canada's quest for the best start for each of our children.

Honourable senators, I have the proposed funding for every province and territory. Funding agreements were signed only between the federal government and Quebec, Ontario and Manitoba. In all the other provinces, time ran out before complete action plans could be developed and budgetary allocations could be finalized.

Today, the Government of Canada is saying no to all of this, with the exception of an ongoing commitment to Quebec. Prime Minister Harper admitted in the House on April 5, 2006, that the existing program will end next year.

Canadians are left with a promise for 125,000 child care spaces — no reference to quality, no money for operating costs or staffing, no educational opportunities for staff, and no financial assurances toward a greater value attached to the precious work they do. There will be no community programs to allow all parents to become empowered through acquisition of early childhood development knowledge and principles. There will be no focus on preparing children for school.

Parents will be on their own with a few extra dollars in their pockets, not even enough for one day each week in a quality child care centre. Those who make the most money will be the winners in this Conservative plan — very conservative but certainly not very progressive.

Words change before and after elections. Speaking to reporters in Calgary on April 29, 2005, Stephen Harper said he would honour any deal made by the Liberals if his party won the next election, but would still press ahead with his own child care plans.

Now, Conservative government officials have reached out to a coalition of socially conservative lobby groups in an effort to help sway public opinion in the coming battle over the Tory daycare deal. And more press:

> Rural child care experts pan Conservatives' plan

The highly respected Vanier Institute for the Family has had its own data misconstrued by proponents of the Conservative plan. And just today, in the *Moncton Times & Transcript*:

> Child care debate lively

and this quotation:

> The cute moppets in child care could damage the federal Conservative government.

• (1740)

The head of the Canadian Federation of Independent Business, Catherine Swift, says that Conservative plans to lure employers into the child care game will fall flat. In response, Minister Finlay said: "But perhaps the owner of a strip mall who has several tenants who each have several employees, maybe the owner of that strip mall wants to get together with these businesses and create spaces."

[*Translation*]

That is not a vision for Canada!

Honourable senators, I do not think it is too late to look at the possibility of achieving our two visions: first, a direct contribution to families, and, second, a national system of quality child care with programs that promote early childhood development, for all parents in Canada.

To my colleagues on the government side I would like to say that it is possible to convince the Prime Minister to abandon his intention to cancel the agreements in principle with the provinces.

In my heart I believe that many members of the Conservative Party want the same thing for all children in Canada. We agree that parents have the greatest responsibility for their children. We want to offer every parent the best support in order that they can be a good parent, the best possible parent.

In Canada, the reality is that 84 per cent of parents work either in or outside of the home to provide their families with the bare necessities and to achieve their goals and dreams as individuals.

Seventy per cent of women with preschool-aged children belong to the paid workforce. For most of these parents, the only choice is a paycheque at the end of the week.

[*English*]

We can offer the parents of Canada a hand in so many ways. A handout of $100 a month is not enough, as helpful as it may be in the short-term for some parents. Canada in the 21st century is ahead of most countries with respect to our economy. At the same time, we have been given a low rating compared to other OECD countries when it comes to early childhood care. Apart from Quebec, participation rates for children three to six years do not reach a quarter of those of the main European countries.

Honourable senators, the commitment of the Liberal Party of Canada to childcare and early childhood development began in 1993. It has not been an easy journey. However, it was never a death bed repentance. In 2006, again there is a roadblock. There are two visions of how to empower parents, how to ensure all families have choices and how to apply the fundamental principles of learning, early learning and child care. Yet, I am optimistic that a continuing dialogue will find common ground. Canada is a country where family homes are the cradles of the nation, yet our parents should feel confident that when they must seek child care outside the home, or when they choose to do so, the interests of society will provide quality care.

The Hon. the Speaker: I regret to advise that the honourable senator's time has expired. Does she seek the consent of the house for two more minutes?

Senator Comeau: She can have five.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Trenholme Counsell: Thank you, honourable senators.

Above all, Canada must accept the challenge to meet and surpass other nations in advancing early childhood development as public policy, with an eye to our individual and collective future, our social future and our economic future in a caring and progressive society.

Honourable senators, my hope for a response to this inquiry rests with all of you. Let us put all children ahead of any political bias we may have. Let us look inward and outward so that, one step at a time, like an infant, we can push forward to allow the girls and boys of Canada to reach their potential, to allow parents to make their very own choices and to allow Canada to become stronger, more vibrant and more just. There can be no greater investment than that for our children. Thank you for your attention.

Hon. Lowell Murray: The deputy leader of the government kindly agreed to a five-minute extension for Senator Trenholme Counsell. She has not used nearly that much time, so perhaps she might accept a question.

Senator Trenholme Counsell: Certainly.

Senator Murray: Does the honourable senator happen to know the position of the present government of New Brunswick with regard to the decision of the federal government to abrogate, as it had a legal right to do, the agreement in principle that the two governments signed on November 24, 2005?

Senator Trenholme Counsell: I thank the honourable senator for his question. I have great praise for Premier Lord and his wife in so many respects. We worked together on many things, particularly on early childhood issues and literacy. I think this

time he probably flip-flopped, because I do have the clippings in my file. It would take some time to find the reference. I know that he said that he is okay with what the present federal Conservative government is doing. He was reluctant. I never understood it. I talked to him about it before he signed in November. I was not twisting his arm; I just wanted to have a little conversation with him. He said he was concerned because in New Brunswick so many of our areas do not have regulated child care. Therefore, he was determined that in the agreement he would sign, there would be enough flexibility for various arrangements to allow our rural families to feel they were a part of this new agreement.

I know that he said he was okay with it. I do not have a better quote than that.

Senator Murray: I have a copy of the agreement in principle. It says that the Governments of Canada and New Brunswick have developed a bilateral agreement to articulate their shared vision for early learning and child care and to describe specific objectives and investments to advance this vision. Later, it states that New Brunswick's vision is to build on its significant investments to date, creating an early learning and childhood system that focuses on quality, affordability and accessibility and that New Brunswick will continue to make strategic investments. Then it states that, in 2004, New Brunswick announced significant investments in affordability, raising its maximum subsidy rates, expanding the number of families eligible for financial assistance, setting the ambitious goal of an additional 1,500 new child care spaces by 2008. Then it says that the further investment from Ottawa will complement existing federal and provincial investments in New Brunswick and contribute to the range of options available to parents.

Does the honourable senator happen to know whether the "ambitious goal" of an additional 1,500 new child care spaces by 2008 can be realized in the absence of the federal funding referred to here?

Senator Trenholme Counsell: Honourable senators, I certainly could not answer for Premier Lord or for the Minister of Family and Community Services. Every government decides how they will use their money and what their priorities will be. I can say with pride that I believe our government is very conscious of the needs of children and parents, especially parents who choose or must work outside the home.

I believe there are many good programs for families and children around the subject of early childhood development. That may be because of Ms. Lord. Certainly the premier is aware of the need for early childhood development and preschool programs. I have been cooperating and working with the Province of New Brunswick to take their Welcome to Kindergarten program to that province on behalf of the learning partnership in Toronto.

I want to say also that they have expanded a program where home daycare can be regulated. The important thing is quality, regulation, standards and training of whoever runs that daycare, not just daycare spaces in a strip mall which the federal minister recently mentioned. That is not what we want.

I cannot say whether the Premier of New Brunswick will find the money for those 1,500 spaces. I hope he does. It will be much more difficult without the federal money. I doubt he will have the support in terms of early childhood education and the other supports in place for this agreement that he would have had and, I believe, would have been quite proud to offer the people of New Brunswick.

On motion of Senator Fraser, debate adjourned.

• (1750)

[*Translation*]

ACCESS TO DRINKABLE WATER

INQUIRY—DEBATE CONCLUDED

Hon. Madeleine Plamondon rose pursuant to notice of June 7, 2006:

> That she will call the attention of the Senate to the importance of recognizing access to drinking water as a fundamental human right.

She said: Honourable senators, I rise one last time in hopes of making Canada recognize that access to drinking water is a fundamental human right.

During my short time as a senator, this is the tenth time I have brought the subject of access to drinking water up in the Senate through statements, questions, inquiries or speeches.

[*English*]

My maiden speech was on this subject and so will be my last today.

Why is this issue so important to me? I have always been interested in environmental issues, but something very particular that honourable senators should know about happened when I was appointed to the Senate. At the same time, I was asked to be the honorary chairman of Development and Peace in my region for three years, the same length of time that I was to be in the Senate.

My term in the Senate is ending, but my term to fight for drinkable water will never end.

[*Translation*]

The most significant of my early interviews happened on *Parole et Vie*, a television program hosted by Roland Leclerc, a well-known priest in the Quebec media. The other guest on that episode was there to discuss his new book, *J'ai soif*. Obviously, that meant "I am thirsty" on a spiritual level.

The coincidences were only just beginning that week. Roland Leclerc died in an accidental drowning the following week — water again — and I was asked to deliver homilies in various churches where everything reminded me of water, the peace and development campaign, the book about spiritual thirst and the drowning of a man who received unprecedented tributes at the Notre-Dame-du-Cap basilica.

I still do not understand why Canada refuses to recognize access to drinkable water as a fundamental human right.

[*English*]

Maude Barlow, National Chairperson of The Council of Canadians, said:

> Ever since the powerful players of the World Water Council — the World Bank, the big water corporations, and the aid agencies and water ministries of First World countries — declared that water is not a human right, but rather a human "need" best served by private investors, the issue of the human right to water has become central to the international struggle for the control of water.

[*Translation*]

Having made a commitment to advance this cause, I did extensive reading of documents, books and articles for more food for thought.

In December 2004, Senator Hervieux-Payette invited Steve Rudy to the Senate to talk to us about his research, *Lessons from Recent Outbreaks in Affluent Nations*. I went to hear him, along with Senator Cochrane.

Canada has had its share of disasters, and without a push not only to raise standards but enforce them as well, our country will remain fragile.

Distribution systems are outdated and require major investments that municipalities cannot pay for on their own. Technicians need more training. Before we think of exporting water, that rare, precious commodity that our neighbours to the south have their eye on, we have to assess our risks, inventory our reserves and protect them.

We must help Canadians who use artesian wells address the problem of water table contamination from unbridled industrial development. Because we must love our neighbours as ourselves, we must recognize that the countries to the south have the right to drinkable water.

I will not go over all the issues I have raised in the past three years. Suffice it to say that drinking a glass of water is as important as breathing clean air. It is troubling that in Canada today, people are wary of tap water. Consumers are buying devices to filter water at home, which is giving rise to a whole industry created out of the public's mistrust.

Bottled water is everywhere as well. I have already mentioned this. It would be worthwhile to explore in depth the bottled water industry, which is controlled by four major companies: Nestlé, Pepsi-Cola, Coke and Danone.

Who are the lobbyists for these companies? Are they active in Canada? Will there come a time when wealthier people will install their own filtration system or buy bottled water for their own needs, leaving the neediest members of society to find solutions to the problem of drinkable water?

I hope that the Senate will continue to discuss the issue of drinkable water, because drinkable water is blue gold. It is an issue of world governance, and control must not be given to a few companies. Canada must take a stand on the world stage and not be swayed by covert pressure.

Canadians would be scandalized to learn that their government did not support the United Nations resolution recognizing the right to water. In fact, Canada was the only country to vote against it in 2002. The committee report stated:

[*English*]

> Canada does not accept that there is a right to drinking water and sanitation.

[*Translation*]

Honourable senators, when I agreed to become a senator, it was above all a public declaration of my love for Canada. I still feel that way. I believe in the values of Canadians. I hope that, on the international scene, these values will be affirmed and bring us honour, and that Canada will recognize that water is a fundamental human right for all, no matter where we live.

Hon. Lowell Murray: Honourable senators, we will undoubtedly have an opportunity in the fall to bid farewell to the Honourable Senator Plamondon. However, it may be that at that point she will already have retired. I would at this time — on the occasion of her last speech — wish her all the best in her future endeavours. She is deserving of our thanks for all her hard work and her contributions, not only in the matter of drinkable water but in all the issues that she brought to the Senate. Thank you and good luck, Senator Plamondon.

The Hon. the Speaker: Honourable senators, as no other senator wishes to speak, this inquiry is considered debated.

[*English*]

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2005 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE ADJOURNED

Hon. Jerahmiel S. Grafstein, pursuant to notice of April 5, 2006, moved:

> That the following Resolution on Combating Anti-Semitism which was adopted unanimously at the 14th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Washington on July 5, 2005, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than October 30, 2006:
>
> **RESOLUTION ON COMBATING ANTI-SEMITISM**
>
> Recalling the resolutions on anti-Semitism by the OSCE Parliamentary Assembly, which were unanimously passed at the annual meetings in Berlin in 2002, in Rotterdam in 2003 and in Edinburgh in 2004,

1. Referring to the commitments made by the participating states emerging from the OSCE conferences in Vienna (June 2003), Berlin (April 2004) and Brussels (September 2004) regarding legal, political and educational efforts to fight anti-Semitism, ensuring "that Jews in the OSCE region can live their lives free of discrimination, harassment and violence",

2. Welcoming the convening of the Conference on Anti-Semitism and on Other Forms of Intolerance in Cordoba, Spain in June 2005,

3. Commending the appointment and continuing role of the three Personal Representatives of the Chairman-in-Office of the OSCE on Combating Anti-Semitism, on Combating Intolerance and Discrimination against Muslims, and on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, reflecting the distinct role of each in addressing these separate issues in the OSCE region,

4. Reaffirming the view expressed in earlier resolutions that anti-Semitism constitutes a threat to fundamental human rights and to democratic values and hence to the security in the OSCE region,

5. Emphasizing the importance of permanent monitoring mechanisms of incidents of anti-Semitism at a national level, as well as the need for public condemnations, energetic police work and vigorous prosecutions,

The Parliamentary Assembly of the OSCE:

6. Urges OSCE participating states to adopt national uniform definitions for monitoring and collecting information about anti-Semitism and hate crimes along the lines of the January 2005 EUMC Working Definition of Anti-Semitism and to familiarize officials, civil servants and others working in the public sphere with these definitions so that incidents can be quickly identified and recorded;

7. Recommends that OSCE participating states establish national data collection and monitoring mechanisms and improve information-sharing among national government authorities, local officials, and civil society representatives, as well as exchange data and best practices with other OSCE participating states;

8. Urges OSCE participating states to publicize data on anti-Semitic incidents in a timely manner as well as report the information to the OSCE Office for Democratic Institutions and Human Rights (ODIHR);

9. Recommends that ODIHR publicize its data on anti-Semitic crimes and hate crimes on a regular basis, highlight best practices, as well as initiate programs with a particular focus in the areas of police, law enforcement, and education;

10. Calls upon national governments to allot adequate resources to the monitoring of anti-Semitism, including the appointment of national ombudspersons or special representatives;

11. Emphasizes the need to broaden the involvement of civil society representatives in the collection, analysis and publication of data on anti-Semitism and related violence;

12. Calls on the national delegations of the OSCE Parliamentary Assembly to ensure that regular debates on the subject of anti-Semitism are conducted in their parliaments and furthermore to support public awareness campaigns on the threat to democracy posed by acts of anti-Semitic hatred, detailing best practices to combat this threat;

13. Calls on the national delegations of the OSCE Parliamentary Assembly to submit written reports at the 2006 Annual Session on the activities of their parliaments with regard to combating anti-Semitism;

14. Calls on the OSCE participating states to develop educational material and teacher training methods to counter contemporary forms of anti-Semitism, as well as update programs on Holocaust education;

15. Urges both the national parliaments and governments of OSCE participating states to review their national laws;

16. Urges the OSCE participating states to improve security at Jewish sites and other locations that are potential targets of anti-Semitic attacks in coordination with the representatives of these communities.

He said: Honourable senators, I intended to speak on Motion No. 5, but due to the hour I will defer my remarks to another day.

On motion of Senator Grafstein, debated adjourned.

The Senate adjourned until Thursday, June 15, 2006, at 1:30 p.m.

CONTENTS

Tuesday, June 13, 2006

PAGE

The Late Honourable J. Michael Forrestall
Silent Tribute.
The Hon. the Speaker . . . 493

SENATORS' STATEMENTS

The Late Lord Kenneth Thomson
Hon. Jerahmiel S. Grafstein . . . 493

Manitoba
Congratulations to Premier Gary Doer on Recognition of Support for Jewish National Fund.
Hon. Maria Chaput . . . 493

Atlantic Region
Federal Support for Economic Development.
Hon. Catherine S. Callbeck . . . 494

ROUTINE PROCEEDINGS

Canadian Radio-television and Telecommunications Commission
Order Pursuant to Section 8 of Telecommunications Act Tabled.
Hon. Gerald J. Comeau . . . 494

Information Commissioner
2005-06 Annual Report Tabled.
The Hon. the Speaker . . . 494

Criminal Code
Bill to Amend—Report of Committee.
Hon. Michael Kirby . . . 494

Rules, Procedures and the Rights of Parliament
Second Report of Committee Presented.
Hon. Consiglio Di Nino . . . 495

Internal Economy, Budgets and Administration
Third Report of Committee Tabled.
Hon. George J. Furey . . . 495

Study on Issues Dealing with Demographic Change
Third Report of Banking, Trade and Commerce Committee Tabled.
Hon. Jerahmiel S. Grafstein . . . 495

Internal Economy, Budgets and Administration
Report Pursuant to Rule 104 Tabled.
Hon. George J. Furey . . . 495

Library of Parliament
First Report of Joint Committee Presented.
Hon. Marilyn Trenholme Counsell . . . 496

Adjournment
Hon. Gerald J. Comeau . . . 496
Hon. Joan Fraser . . . 496

Commonwealth Parliamentary Association
Seminar on "Restoring Faith in the Political Process—Tackling Corruption, Upholding Human Rights, the Role of the Media," January 22-28, 2006—Report Tabled.
Hon. Terry M. Mercer . . . 497

PAGE

Canada-United States Inter-Parliamentary Group
Meeting on Emergence of Cross-Border Regions, March 6-7, 2006—Report Tabled.
Hon. Jerahmiel S. Grafstein . . . 497
Great Lakes Day, March 16, 2006—Report Tabled.
Hon. Jerahmiel S. Grafstein . . . 497

Social Affairs, Science and Technology
Notice of Motion to Authorize Committee to Study Current Social Issues of Large Cities.
Hon. Michael Kirby . . . 497

Fishing Industry in Nunavut
Notice of Inquiry.
Hon. Willie Adams . . . 497

QUESTION PERIOD

Atlantic Canada Opportunities Agency
Project Funding in Liberal Held Ridings—Comments by Minister.
Hon. Jane Cordy . . . 497
Hon. Marjory LeBreton . . . 497

Indian Affairs and Northern Development
Meeting of First Ministers on Aboriginal Issues—Funding of Initiatives.
Hon. Robert W. Peterson . . . 498
Hon. Marjory LeBreton . . . 498
Industry Aid to Forestry Industry.
Hon. Tommy Banks . . . 498
Hon. Marjory LeBreton . . . 499
Proposed Amendment to Lobbyists Registration Act.
Hon. Jim Munson . . . 499
Hon. Marjory LeBreton . . . 499

Indian Affairs and Northern Development
First Ministers' Agreement on Aboriginal Issues—Funding of Initiatives.
Hon. Joan Fraser . . . 499
Hon. Marjory LeBreton . . . 500

Industry
Aid to Forestry Industry.
Hon. Tommy Banks . . . 500
Hon. Marjory LeBreton . . . 500

The Environment
Kyoto Protocol—Alternative Program.
Hon. Grant Mitchell . . . 500
Hon. Marjory LeBreton . . . 500

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau . . . 501

The Environment
Kyoto Commitments.
Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 501

Indian Affairs and Northern Development
Agreement of First Ministers Meeting on Aboriginal Issues.
Question by Senator Austin.
Hon. Gerald J. Comeau (Delayed Answer) . . . 502

PAGE

International Trade
Softwood Lumber Agreement—
Vetting Changes in Policy with United States.
Question by Senator Ringuette.
Hon. Gerald J. Comeau (Delayed Answer) 502

The Environment
Kyoto Protocol—Alternative Program.
Question by Senator Banks.
Hon. Gerald J. Comeau (Delayed Answer) 502

ORDERS OF THE DAY

Business of the Senate
Hon. Gerald J. Comeau 503

Budget Implementation Bill (Bill C-13)
Second Reading.
Hon. Art Eggleton 504
Hon. Lowell Murray 507
Hon. Grant Mitchell 509
Referred to Committee.
The Hon. the Speaker 511

Agricultural Marketing Programs Act (Bill C-15)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. Leonard J. Gustafson 511
Hon. Joyce Fairbairn 512
Hon. Marjory LeBreton 513
Referred to Committee 514

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Continued.
Hon. Pana Merchant 514

PAGE

National Capital Act (Bill S-210)
Bill to Amend—Second Reading—Debate Continued.
Hon. Tommy Banks 515

Food and Drugs Act (Bill S-205)
Bill to Amend—Second Reading—Debate Continued.
Hon. Ethel Cochrane 516
Hon. Tommy Banks 518

The Senate
Motion to Implore President of Russia to Assist in Locating Raoul Wallenberg—Adopted.
Hon. Consiglio Di Nino 518
Motion Modified.
Hon. Consiglio Di Nino 519

The Senate
Motion to Accommodate Senators Speaking Ancestral Languages—Debate Continued.
Hon. Madeleine Plamondon 519

Post-Secondary Education
Inquiry—Debate Adjourned.
Hon. Claudette Tardif 520

Agreements Between Federal Government and Provinces and Territories on Child Care
Inquiry—Debate Adjourned.
Hon. Marilyn Trenholme Counsell 521
Hon. Lowell Murray 524

Access to Drinkable Water
Inquiry—Debate Concluded.
Hon. Madeleine Plamondon 525
Hon. Lowell Murray 526

Human Rights
Motion to Authorize Committee to Study Organization for Security and Co-operation in Europe 2005 Declaration on Anti-Semitism and Intolerance—Debate Adjourned.
Hon. Jerahmiel S. Grafstein 526

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 24

OFFICIAL REPORT
(HANSARD)

Thursday, June 15, 2006

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, June 15, 2006

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

CANADIAN STROKE STRATEGY

Hon. Wilbert J. Keon: Honourable senators, yesterday I had the pleasure of hosting a press conference to announce the Canadian Stroke Strategy on behalf of the Canadian Stroke Network and the Heart and Stroke Foundation of Canada — two organizations whose work I respect very much. The Canadian Stroke Network is a network of centres of excellence and a leading research organization. These two organizations have joined together to develop the Canadian Stroke Strategy, a plan to help all provinces provide patients with better access and better results from stroke prevention, care and rehabilitation by 2010.

Organizing care for better results is a field that I know quite well. In my own work I have seen what advances in heart disease prevention and care can mean to patients, their friends and their families. It is critical that we apply the best research and knowledge and organize our systems to ensure that we get the best results. With an aging population and rising health care costs, there is no alternative. We have to act now to find better, more effective ways to protect the health of Canadians today and in the future.

• (1335)

Widespread access to organized stroke care could prevent more than 160,000 strokes in Canada; prevent disability in 60,000 patients and save $8 billion in overall health care costs over the next 20 years. Measures include organized stroke care units, use of clot-busting therapies, better access to rehabilitation and building awareness of the signs and symptoms of stroke among the public and health workers. The ultimate goal is to ensure that all Canadians have access to organized stroke care by 2010.

The achievements of this movement to date have been truly outstanding. For the first time in medical history, massive strokes are being totally reversed, leaving patients with no disability. Better still, large numbers are being prevented.

[*Translation*]

Honourable senators, please join me in recognizing the organization's remarkable accomplishments and in congratulating everyone involved, especially Doctor Hakim, Doctor Sharma and Ms. Sally Brown.

[*English*]

EXPANDING THE DIALOGUE: PREVENTING THE USE OF CHILDREN AS SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, June 12 was the World Day Against Child Labour. The International Labour Organization's Convention 182 on the Elimination of the Worst Forms of Child Labour, which Canada ratified in 1999, states

> For the purposes of this Convention, the term the worst forms of child labour comprises:
>
> (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

In addition, part d states,

> (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

There is a clear link between child labour and child soldiering. There is also a link between child soldiering and the perpetuation of violence. One priority that guides Canada's international engagement is building a more secure world, as well as protecting vulnerable populations and children from violence against them.

I am pleased to inform you that my office, in collaboration with Senator Zimmer, Canadian and United States partners such as UNICEF Canada, the University of Winnipeg, Search for Common Ground, Displaced Children and Orphans Fund of USAID, will implement a long-term project entitled Expanding the Dialogue: Preventing the Use of Children as Soldiers.

Child soldiers are the most sophisticated, low-tech weapons system that exists in the world today. Child soldiers are the new phenomenon of our era. The overarching goal of this initiative is to develop a set of tools that can be used to prevent the recruitment of children into armed groups.

Approximately 300,000 children around the world are used as soldiers in deadly theatres and conflict. Graça Machel, the wife of Nelson Mandela, who has been leading the charge on this issue, has estimated in her studies that over the last five years, nearly 2 million children have been killed in such conflict. Very few remain as injured casualties because once they are injured, they are simply abandoned in the bush.

These children, all under 18 years of age, as per the optional protocol on child rights, have become frontline troops as part of armed groups, and serve in capacities from carrying arms, to cooks, to sex slaves, to bush wives.

The response to GuluWalk Day on October 23, 2005, shows that Canadians demand an end to the use of children as instruments of war. Since 1987, treaties and Security Council resolutions have failed to make a difference in the lives of these children. The widening gap between reality and international commitment is disturbing.

Expanding the Dialogue: Preventing the Use of Children as Soldiers consists of three phases. During the first phase, partners will host a workshop at the University of Winnipeg that will bring together relevant stakeholder groups, former child soldiers and military commanders. The second phase will be a war game simulation exercise where a small group of experts will develop creative tools to use in a specific country in order to neutralize this weapon system. During the third phase, the partners will implement the tools. We will go on the ground and apply those tools in order to stop the use of children in that particular conflict.

• (1340)

While the approach is multi-dimensional, the distinctive aspect of this initiative is, in fact, using the military dimension to neutralize that capability. We will examine why commanders use children as soldiers. What are the military advantages to commanders to use the children in that way? What is the philosophy behind the doctrine of the use of children?

We must neutralize and eliminate the use of children as instruments of war.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw to your attention the presence in the gallery of the participants of the Parliamentary Officers' Study Program from the National Assembly of Afghanistan. On behalf of all senators, I welcome you to the Senate of Canada.

FARM INCOME

Hon. Hugh Segal: Honourable senators, in the past few months Statistics Canada has released alarming numbers relating to the income of Canadian farmers, as Senator Hays informed us a few days ago.

Two years of drought and the trade restrictions placed on our farmers as a result of the BSE scare has dropped the 2005 realized net income of Alberta farmers to half the 2004 level and in Manitoba it declined by almost 40 per cent.

At the same time, the rising cost of machinery fuel increased farm operating expenses by nearly 2 per cent. Also in 2005, total net farm income fell 35.8 per cent from its 2003 numbers to $2.6 billion. Canadian farmers are suffering. Statistics Canada reports that the first quarter market cash receipts fell to their lowest quarterly level in a decade. If the trend continues, Canada will lose the thousands of family farms that dot our landscape from coast to coast. We cannot ask our farmers to continue to work for little or no return or worse, an ever-growing debt from which they cannot escape. The Canadian farm should not be a place that subjects its inhabitants to a life of diminishing prospects.

At the federal level we need to look at whether the divisions between science, technology, health, industry, agriculture, energy and environment make that much sense any more. There is an opportunity to step beyond the present crisis to a more integrated approach in addressing farm and rural poverty.

The Canadian farmer does not want to be the last of his or her generation. Many of these farms have existed in the same location in places such as Leeds County and Frontenac County, run by the same families for hundreds of years. We owe them our best efforts to mitigate the recurring problems affecting them by working together in a bipartisan fashion and putting forward innovative and feasible solutions for our fellow Canadians.

COMMENTS OF MINISTER OF JUSTICE ON CRIME RATES

Hon. Larry W. Campbell: Honourable senators, two weeks ago the Honourable Vic Toews made questionable comments regarding crime rates in general, and crime in Vancouver in particular. Although the Minister of Justice has intimate knowledge of the justice system, having been charged and convicted of an offence in Manitoba, he clearly has no knowledge or experience in gathering statistics or applying them in an appropriate manner.

Not only did he inaccurately compare crime in Vancouver as similar to crime in New York City, he reached such a conclusion by comparing data that does not align. Violent crime statistics per 100,000 people were used to compare the two cities. However in B.C., all assaults, levels one to three, are calculated into violent crime statistics. Conversely, New York City statistics include only aggravated assault. Furthermore, Vancouver violent crime statistics include all levels of sexual assaults, levels one to three, while New York City statistics include only forcible rape.

In addition to relying on faulty statistics to form the bulk of his argument, comments made by the Minister of Justice unfairly painted the city of Vancouver as a place where "people like to come because the weather is fine and the sentences low."

Considering that Vancouver was rated in the top three of the most liveable cities in the world for the last four years, unlike Winnipeg, and that numerous statistics and analyses over the years seriously contradict Mr. Toews' remarks, I bring into question the veracity of the Minister of Justice's statistics.

It is both unstatesmanlike and in poor judgment for the Minister of Justice to launch this uninformed attack on one of Canada's cities particularly as Vancouver prepares to host the world in 2010. This misinformation hurts our business, our law enforcement agents, local elected officials of all stripes and our tourism trade. I would urge all members of the House and Senate to use caution when making such salacious comments. I call on the minister to publicly retract this statement. Vancouver is not only one of the great cities of North America, it is also one of the safest.

The next time Mr. Toews visits Vancouver, I urge him to spend time talking to, rather than maligning, the law enforcement officers there, and recognize it is they who work tirelessly to make Vancouver a truly great city.

• (1345)

[*Translation*]

ROLE OF RELIGIONS AND HUMAN RIGHTS CONFERENCE

Hon. Claudette Tardif: Honourable senators, I am pleased to inform you of an international conference entitled, "Building World Peace: The Role of Religions and Human Rights", presented by the John Humphrey Centre for Peace and Human Rights, to be held from October 20 to 22 in Edmonton, Alberta. I have agreed to co-chair this conference with one of our former colleagues, the honourable Doug Roche.

As Canadians, we live in a multicultural and diverse society. We must address issues related to the religious, linguistic, cultural, ethnic and racial diversities that make up our country. In order to face the challenges associated with a diverse society, it is essential to discuss the important role played by the various religious representatives and human rights advocates. It is time for religious communities to affirm that the major religions promote the essence of the culture of peace.

[*English*]

The "Building World Peace: The Role of Religions and Human Rights" conference presents a framework for discussion and resolution by building upon the core message of peace shared by most religious teachings and the Universal Declaration of Human Rights.

Participants and invited speakers, such as our own Senators Roméo Dallaire and Mobina Jaffer, Lloyd Axworthy, Ovide Mercredi, Lloyd Roberston and General Jean de Chastelain, just to name a few, will explore the question of what role religions and human rights can play in building world peace.

This conference is intended for leaders or members of religious communities, as well as everyone who is concerned about the increasing amount of intolerance, violence and injustice in society in general.

[*Translation*]

We need to have conferences like this to stimulate public debate on peace within the social fabric of Canada and other countries. I encourage you, honourable senators, to promote this conference in your communities and to continue to be spokespeople and promoters of tolerance, openness, dialogue and social justice.

I hope you can attend this important and timely conference. More information is available from my office and in the Senate reading room.

[*English*]

ROUTINE PROCEEDINGS

AGRICULTURAL MARKETING PROGRAMS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, June 15, 2006

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-15, An Act to amend the Agricultural Marketing Programs Act, has, in obedience to the Order of Reference of Tuesday, June 13, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOYCE FAIRBAIRN P.C.
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Gustafson, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1350)

STATUTES REPEAL BILL

REPORT OF COMMITTEE

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 15, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill S-202, An Act to repeal legislation that has not come into force within ten years of receiving royal assent, has, in obedience to the Order of Reference of Wednesday, May 31, 2006, examined the said Bill and now reports the same with the following amendment:

Page 2, clause 5: Replace in the English version, line 5 with the following:

" provision that is necessary for the amended provision to have ef-".

Respectfully submitted,

DONALD H. OLIVER
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Oliver, bill placed on the Orders of the Day for consideration at the next sitting of the Senate.

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. David Tkachuk presented Bill S-218, to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorists).

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tkachuk, bill placed on the Orders of the Day for second reading two days hence.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

ACQUISITION OF JDS UNIPHASE BUILDING

Hon. David P. Smith: Honourable senators, my question is for the Minister of Public Works and Government Services.

The new government has repeatedly pledged more transparency in public procurements to ensure taxpayers receive the best for public money. However, the government's pledges sound like meaningless Tory rhetoric when you consider what is happening with the empty JDS Uniphase Building and the government's intention to lease that million-square-foot space. That would be tantamount to a 40- to 50-storey building in terms of area. We are talking about a big building.

We are told the government intends to acquire this building with no public tendering at a cost of around $600 million, but they will only know the details once the deal is signed. In other words, "trust us."

• (1355)

Is this the government's idea of transparent and open competition? Is the minister prepared to disclose the details of this deal? I am not saying necessarily that it is bad, but is the minister prepared to disclose the details of this deal that, according to today's *Ottawa Citizen*, expires today?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the honourable senator for his question. I appreciate that he mentioned accountability and transparency because that is indeed part of this government's DNA. The terms of the Memorandum of Understanding that PWGSC signed with the owner were to expire today. I am happy to inform the Senate that the department, after due consideration, has decided to withdraw from the offer.

The government was fully committed to getting the RCMP the appropriate space in the right building for them to do what they have to do given the government's commitment to invest more money in the RCMP. However, the terms of this transaction were not satisfactory and the department has so informed the owners.

Senator Smith: As I am sure the minister is aware, a motion was adopted yesterday in the House of Commons committee on Government Operations and Estimates that recommends that acquisition by purchase or lease of any significant property, including this property, be the result of a competitive call for a tendering procedure. Can the house assume that will be the procedure henceforth?

Senator Fortier: As the honourable senator knows, the process began under a prior administration. I inherited a process that had been in place for several months when the new government was sworn in. I am aware of the motion in the other place. When I appeared before the Commons committee last week, I told a few of the opposition members that, as a rule, I fully agree that PWGSC should seek several offers for any property purchased or leased. The committee recognized that there can be extenuating circumstances. For example, if the government already leases space in a building, it might make more sense for the government to renew that lease with the current landlord.

A large space, such as the one we were discussing, can be up to several hundred thousand square feet. In certain urban areas in Canada, the professionals at PSWGC know the market well and it would be bad management and bad business for the government to tie their hands and tell them that they must never consider an unsolicited offer. For taxpayers, government should consider all the options and, perhaps, at the end of the day the unsolicited offer might be the best one.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: I wish to draw to the attention of honourable senators the presence in the gallery of our former colleague and friend, the Honourable Senator Kroft. Welcome back.

Hon. Senators: Hear, hear!

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— POSSIBILITY OF EFFECTING DUAL MARKETING

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. On Tuesday of this week, the Agriculture Committee heard from the Canadian Wheat Board, which was represented primarily by the Chairman of its Board of Directors, Mr. Ken Ritter.

One of the most concise statements of the government's position with respect to the Canadian Wheat Board was given by Minister Strahl on June 7 when he said during Question Period in the other place:

> During the campaign...we said...that our party believed that there was a good future for the Canadian Wheat Board. It involves dual marketing, more Canadian farmers having a choice.

In other words, the single best selling function of the Canadian Wheat Board is something that the government is committed to ending.

First, could the honourable leader please advise whether I am correct given Minister Strahl's statement, which corresponds with the Conservative Party platform?

Second, when would the government intend to proceed with this and in what manner?

• (1400)

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Hays for his question. I am well aware of the statements made by Minister Chuck Strahl about the wheat board and I will simply take the honourable senator's question as notice as to when the government may make further announcements with regard to the wheat board.

Senator Hays: Honourable senators, I would like to pursue the matter of how. The wheat board, appearing before the Standing Senate Committee on Agriculture and Forestry, was anxious to let the committee and the Senate know that the wheat board had been conducting innovative research on the position of farmers by way of polling some 1,300 Alberta, Saskatchewan and Manitoba farmers. Almost nine out of ten farmers questioned said that if there is any decision to be made with respect to the single-desk function of the Canadian Wheat Board, it should be a farmer's decision and it should be preceded by a plebiscite. Can the minister confirm whether the government intends to use a plebiscite as a part of any process to end the single-desk selling function?

Senator LeBreton: I am aware of the report that the honourable senator refers to, but my answer will be the same as my first answer. I will determine from Minister Strahl what his plans are in terms of dealing with this issue and I will get back to the honourable senator and the chamber.

CANADIAN WHEAT BOARD—FUTURE FUNDING

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, the wheat board, as a single-desk seller, has closed its accounts on all grains on a crop-year basis, the net result of which is that it has no capital.

As far as Minister Strahl's words to the effect that the wheat board has a good future, one can only assume that he means as a grain company of some kind, but of course without capital, that is not possible. There are examples, such as the Australian Wheat Board, where this issue has been addressed.

I want to add to the list of questions an inquiry about the Government of Canada's position in terms of assisting the wheat board. Do Minister Strahl's words presage or indicate that the government would help provide the capital necessary for the Canadian Wheat Board to restructure, in a way that his comments seem to anticipate, if in fact a plebiscite approves the taking away of the single-desk selling function, for example?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. The honourable senator is, of course, good at answering many of these questions with regard to agriculture and has a lot of expertise and knowledge. I also know that Minister Strahl is knowledgeable and a man of his word. I would not challenge anything that he has said about the issue in public. Suffice to say that when I get these questions from Senator Hays, I am impressed by the ability of Minister Strahl and his departmental officials and staff to provide speedy, long and detailed answers in return. I am learning something from them myself as I read the responses before they are tabled in this place.

[*Translation*]

THE ENVIRONMENT

KYOTO PROTOCOL—QUEBEC'S STANCE

Hon. Francis Fox: Honourable senators, my question is for the Leader of the Government in the Senate and relates to certain exchanges we have had over the last two weeks about the Kyoto Protocol.

The minister will understand the surprise, consternation and stupefaction I experienced this morning when I read in one of Quebec's major newspapers that there has been complete silence between Quebec and Ottawa on this issue since January 23, according to an access to information request covering the period between January 23 and June 2.

> Complete silence between Quebec and Ottawa: no written correspondence, official or unofficial, has been exchanged between the two governments.

However, on May 2 in the other place, the Minister of the Environment, her colleague in the Ministry, said, and I quote:

> [The provinces] will be very much a part of our made in Canada solution, Canadians will come first, and Quebec is a part of that plan.

How can the minister reconcile her colleague's statement with the reality of these documents?

• (1405)

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Fox for his question.

That question is difficult to answer. I have no idea what information was asked for under a request for information made through the provisions of the Access to Information Act. However, as I have pointed out in previous answers, Minister Ambrose is working extremely hard on this file. She is consulting far and wide.

With regard to the specific request for information, I would first have to determine what information was asked for and, second, what, according to the newspapers, is causing the apparent delay in getting that response.

[*Translation*]

KYOTO PROTOCOL—ALTERNATIVE PROGRAM

Hon. Francis Fox: Honourable senators, I have another question for the Minister of Public Works and Government Services, in his role as the minister responsible for Montreal, where environmental issues are extremely important and where several projects are awaiting some cooperation among the federal, provincial and municipal levels.

Nevertheless, to return to the answer that was just given, I am very pleased to give the Leader of the Government in the Senate a copy of the letter from the Privy Council Office, confirming the complete absence of communication at any rank between the two levels of government, despite the rhetoric about a "made in Canada" solution, in which Quebec would participate.

My question for the Minister of Public Works and Government Services is as follows: as he is well aware, his government has already thrown out an agreement concerning the environment, namely, the agreement with Ontario, and indicated to the Quebec government that it could no longer count on the proposed agreement of $328 million for environmental projects initiated by the previous government. Can the minister say, on this same day that Premier Charest is tabling his plan to reach the Kyoto targets, whether or not he will urge his government to take advantage of the cabinet meeting planned at the Citadel at the end of next week, to announce once more that Quebec is part of its national plan and to renew negotiations on the $328 million that was set aside for projects specifically to fight greenhouse gases?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank Senator Fox for his question. First, I would like to clarify these issues. I would not be surprised to find out that there is no correspondence between the two governments. Unlike what went on in the past, the governments talk to each other. We know that with the previous government, they had to write letters. We can clearly remember the problems that the Minister of the Environment at the time had with his counterpart in Quebec. Mr. Dion and Mr. Mulcair were unable to talk to each other; they had to write letters. With us, people talk to each other. I can assure honourable senators that communications between the two levels of government are extraordinary.

As for Montreal, I was there last week, where I inaugurated a new building, a green building, the Normand Maurice Building, on Bel-Air Street. This is the kind of announcement I make regularly. Here in Ottawa, I announced a green roof on the C.D. Howe Building. We are also going to open a new, green, energy-efficient building in Charlottetown.

I therefore want to reassure the senator that a tremendous number of tangible initiatives are taking place here, in Quebec and across the country, reassuring Canadians about this government's commitment to reducing greenhouse gas emissions.

Senator Fox: Honourable senators, can the minister assure us that, at some point, the discussions he describes between the two levels of government — and if that is indeed the case, I am personally very happy — will translate into written agreements? As he knows, talk is cheap.

Senator Fortier: Honourable senators, I want to reassure the senator that when an agreement is reached, it will not be a press release, but something more substantial. The governments are talking. We are not just talking with Quebec. Our government is holding discussions with all the other provincial governments on this and other issues, and when we have announcements to make, we will naturally inform this chamber.

[*English*]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS CONFERENCE
ON ABORIGINAL ISSUES—FUNDING OF INITIATIVES

Hon. Robert W. Peterson: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

At a meeting of the House of Commons Standing Committee on Finance on May 10 a senior representative of the Department of Finance was questioned about the funding of the Kelowna accord. He confirmed that the present government has decided specifically to finance Aboriginal matters differently from the commitments made by the previous government and that this decision has freed up funds in the neighbourhood of $5 billion.

As we indicated in this chamber on Tuesday, the money to finance the Kelowna accord was indeed formally booked by the previous government. It is a matter of simple fact that once money has been booked officially, only the Prime Minister or the Minister of Finance can change that booking. We know that neither the former Prime Minister nor the former Minister of Finance made that decision.

• (1410)

Who in the present government did make the decision? Was it the Prime Minister or the Minister of Finance?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. One cannot make a decision when there is nothing to make a decision about. As I have said before, there was no fiscal framework for the Kelowna accord. After 13 years of inaction, we have serious issues with our Aboriginal communities. I am confident that Minister Prentice and the government, as indicated by the budget, will take these issues seriously. This government will make every effort to improve the lives of Aboriginal peoples. Within a short period of time we will have much more to show for our efforts than there has been in the past 13 years.

Senator Peterson: This government regularly talks about its commitment to transparency and accountability. Canadians have a right to know who authorized the removal of the money that was promised to Aboriginal peoples. Was it the Prime Minister or the Minister of Finance?

Senator LeBreton: Honourable senators, in the preamble to his question, Senator Peterson said this answer was given by a government official before the House of Commons Finance Committee. I would have to read the exact question and answer, but I hasten to point out that there was a considerable amount of money earmarked for Aboriginals in the budget, which received unanimous approval in the House of Commons, and we thank all members of the opposition for that.

THE CABINET

REPRESENTATION OF PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, on April 6, I asked why the Conservative government had not appointed a senator from Prince Edward Island to represent us at the cabinet table. At that time, the Leader of the Government in the Senate indicated that she would express my concerns to the Prime Minister. Has she spoken to the Prime Minister? If so, what was his response?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have spoken to the Prime Minister on the matter and his response was that the bill is currently before the Senate, the proposed Senate tenure legislation. The Senate requires reform and we will start with this modest first step.

Prince Edward Island is ably represented in cabinet by Peter MacKay. The precedent for that was set some years ago when there were only Conservative members from Prince Edward Island under a Liberal government and Prince Edward Island was represented by the Honourable Don Jamieson from Newfoundland and Labrador.

Senator Callbeck: Honourable senators, that does not answer my question. What has the Senate tenure legislation to do with having a representative in cabinet from Prince Edward Island?

Prince Edward Island needs to be represented at the cabinet table by an Islander on a full-time basis rather than having a part-time minister like Peter McKay who is responsible for so many other things.

The results of having a part-time minister are illustrated by what has happened in the last few months. For example, the government has not honoured the announcement of $30 million for a power cable between Prince Edward Island and New Brunswick. It has cancelled the $5.8 million for the Confederation Centre. We did not receive a share of the extra allocation in the shrimp fishery. I could go on and on with this list. However, the question is: How can the Prime Minister justify appointing the Minister of Public Works and Government Services to the Senate so that the people in Montreal would be represented at the cabinet table when he has not done the same thing for the people of Prince Edward Island?

• (1415)

Senator LeBreton: Thank you, Senator Callbeck. I would argue that the people of Prince Edward Island are very well represented at the cabinet table in the person of the Honourable Peter MacKay. I will take the list that the honourable senator outlined in her preamble and I will come back with specific answers as to their status.

An Hon. Senator: We need more foghorns.

Senator LeBreton: Concerning these issues with regard to Prince Edward Island that Senator Callbeck lists, I will have to determine whether they were election promises of the previous government or whether in fact they are actually works that were planned.

[*Translation*]

PUBLIC WORKS AND GOVERNMENT SERVICES

KYOTO PROTOCOL—QUEBEC'S STANCE—RECOGNITION OF INITIATIVES BETWEEN GOVERNMENTS

Hon. Joan Fraser (Deputy Leader of the Opposition): My question is for the Minister of Public Works and Government Services in his capacity as Minister for the Montreal area.

Given that the Harper government has abandoned its commitments under the Kyoto Protocol, but that the Quebec government has seized the urgency of achieving the Kyoto targets and is launching its own plan, can the minister at least guarantee that all projects by his department in Montreal will respect the requirements of the plan put forward by the Charest government?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, with regard to my department's projects, as the honourable senator knows, a policy was put in place on April 1 for procurement. We insist that suppliers to the government have environmentally sound policies.

As for buildings, I was just telling Senator Fox that I opened a new building on Bel-Air Street, in southwest Montreal, which meets new building renovation standards for energy and water conservation. This is part of the green program of the Department of Public Works and Government Services.

With regard to our policies governing procurement and office buildings, we have internal rules and of course we will continue to follow them.

Senator Fraser: Honourable senators, it seems that the answer to my question is maybe yes, maybe no.

I would like to point out to the minister that about two weeks ago the Quebec minister of the environment, Mr. Béchard, went so far as to say that if Quebec did not meet the objectives of the Kyoto Protocol, the federal government would be at fault and would suffer the consequences.

In the absence of a federal plan, could the minister at least undertake to respect not the internal objectives of his department, which are undoubtedly excellent, but compliance with the Quebec plan that the Charest government had the initiative and the courage to launch?

Senator Fortier: Honourable senators, the honourable senator inquired concerning the Department of Public Works and Government Services, and I answered her question. It is not a "maybe yes, maybe no" situation. The department has very serious guidelines on greening. We will continue to follow them. I cannot make myself clearer on that.

With respect to plans in the province of Quebec or any other Canadian province, we have to be respectful of the provinces' policies and policy statements. As a Quebecer, I am respectful of the policy statements of my provincial government.

However, the federal government also has responsibilities and it has the right to have a plan of action. As I previously indicated, differences of opinion between two orders of government on this kind of matter are allowable at this stage of the game. I do not view that as cataclysmic. It is fair game in the debate that has to take place in Canada, and I welcome it. I do not want to live in a country where there is only one line of thought and one point of view. So, it is not shattering to me in my everyday life that the province of Quebec holds views that may appear to be different from ours.

• (1420)

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

STATUS OF LITERACY PROGRAMS

Hon. Fernand Robichaud: Honourable senators, my question is directed to the Leader of the Government in the Senate. There are various programs for people struggling with serious literacy problems. These programs help many groups across the country.

We have been noticing for a while now that no projects in that area are being approved. Does the government intend to continue making these very useful programs available to Canadians?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I was expecting a question on the programs for literacy from Senator Fairbairn about a month and a half ago. I will simply take that question as notice and ascertain the status of the literacy program.

[*Translation*]

Senator Robichaud: Honourable senators, the minister should try to find out what is holding up the project proposed by the Kent dyslexic support committee. I am told that the proposal has been on the minister's desk for quite a while.

The project in question has been structured in such way as to meet all the requirements of the program. These people are still waiting and, if they do not get an answer soon, all their efforts will have been for naught, and they will not be able to keep doing the great job they do.

[*English*]

Senator LeBreton: I thank the honourable senator for the question. Many programs were on ministers' desks when they were sworn into office a few months ago. It is only fair that new ministers have an opportunity to fully educate themselves on all files they have before them. It is not unreasonable to expect that they would not have proceeded yet, whether the program is good or whether they feel it requires further review. We should not expect that there has been any undue delay. There are many files that these ministers must review, but with regard to the one that the honourable senator raised, I will ascertain its status.

NATIONAL SECURITY AND DEFENCE

REQUEST FOR RESPONSES TO CORRESPONDENCE OF COMMITTEE

Hon. Colin Kenny: Honourable senators, my question is for the Leader of the Government in the Senate in regard to a number of questions that I put forward relating to recommendations that the Standing Senate Committee on National Security and Defence put to different departments to see what progress was being made towards implementing the recommendations.

The initial request went out on October 2005 to the previous government, and further requests were made in December 2005 and February 2006. I wrote the Leader of the Government in this regard on May 30, and also gave her notice of this question for today.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Senator Kenny wrote me on May 30 and enclosed all of the various letters he had written to the various departments, and the enclosures were dated June 1.

I received the package on June 6, just last week. I have referred the matter to the people who work with me in the Privy Council Office, and I expect that they will be advising me of the status very soon.

• (1425)

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Grant Mitchell: Honourable senators, I rise to speak on Bill S-4. Bill S-4 represents a massive retreat from the government's original, clearly and powerfully stated position on Senate reform.

There are two fundamentally important objectives of Senate reform that are held by western and in particular Albertan Senate reformers. To his credit, the Prime Minister captured those two objectives very well in his promise during the election of substantive, significant and comprehensive Senate reform. As stated by Prime Minister Harper, these two objectives were, first,

that he would enhance the democracy of this house by implementing comprehensive senatorial elections; and, second, he would address the ability of the Senate to redress regional imbalance by reallocating seats among the regions and perhaps among the provinces.

Those were laudable objectives. They represented a laudable promise, from an Albertan's point of view certainly. Unfortunately, in retrospect, I now believe that what those objectives really represent is a pure political initiative to get votes without any real commitment to the effort, the negotiation and the consultation that would be required — if at all possible to do it at all — to implement this kind of comprehensive Senate reform.

It is not a surprise that the Prime Minister would begin to back off that promise quite quickly. His second stage of commitment — and I use that word lightly — was that he would implement some form of ad hoc, non-constitutionally supported Senate election, and that was a long distance from his original promise.

It is not a surprise that he would have to back away from his original promise. In order to achieve comprehensive Senate reform to attain those two objectives, it would be required to achieve the most difficult kind of constitutional reform under the Constitution of Canada. In order to have elections — and really, the electoral process is the only way to make the Senate significantly more democratic — the support of seven provinces comprising at least 50 per cent of the population of Canada would be required.

In order to achieve seat reallocation, unanimity from the provinces of Canada would be required. The Prime Minister must have known that was the case — I would give him credit for that — and he must have known that would be perhaps incomprehensibly difficult to do. The question that arises is why would he make the promise in the first place? It is obvious that unanimity is difficult, if not nearly impossible, to do because of historical precedent; but if one understands the politics of Senate reform and the provinces' perspective, one will quickly see how difficult it would be.

Why would a province ever want to see an elected Senate? By and large, once the Senate is elected, it would be in a position to exercise our considerable powers rigorously. One of those powers and responsibilities is the mandate to represent regional interests. Where does the mandate to represent regional interests reside now? That power resides with the provinces. If the Senate were to exercise that power, where would we get it from? We would get it from the provinces. Why would a province want to give up that kind of power?

Why would this Prime Minister — who has, more than any Prime Minister that I am aware of, tried to centralize power in the Prime Minister's Office to the extent that ministers cannot speak without clearing what they are to say through the Prime Minister's Office — want to relinquish real power to the Senate so that he would have to depend upon the Senate to pass or not pass his legislation?

I do not think it was a surprise to the Prime Minister that getting an elected Senate would be difficult to do. It would not be a surprise to the Prime Minister that it would be very difficult to get seat reallocation.

• (1430)

Why, for example, would the Maritimes give up 30 seats, which is a disproportionate number of seats for their region, compared not on the basis of population but simply to the absolute number of seats that the other regions have?

I am driven to speculate as to why the Prime Minister would have promised something of that magnitude and of that specificity when he must have known how difficult, if not impossible, it would be to get the kind of constitutional reform he would need to make that occur. He has raised the expectations of westerners, in particular. I expect many Canadians across the country share these expectations — certainly Albertans — only to have him back off on that original promise, based on something he knew when he was making that promise in the first place.

What was his second stage of retreat? This stage was a less clear commitment to electoral reform, more "We will try to implement the Alberta model across the country. That is, we will try to get each province to structure more or less informal elections, in the constitutional sense." Indeed, less informal — but they would give direction to the Prime Minister as to whom he might choose for appointments to the Senate.

The problems with this approach need to be considered seriously by the Prime Minister and by the Senate. Piecemeal Senate reform, certainly piecemeal election, is perhaps the most destructive form of reform that the Prime Minister could contemplate. We understand, but probably most Canadians do not, that the Senate has profound power. We can veto practically anything the government chooses to do. The only thing we cannot veto is constitutional reform that affects only the provinces, but, of course, that never occurs. Thus, in a sense, we can veto everything the government would choose to do. We do not do that because we understand that there are implications for us not being elected, and we mute that power.

If we were elected and we began, therefore, to be obliged to utilize those powers, the consequence could be that we would hamstring government. Any functioning federation in the world has discovered a way to break an impasse. Australia has a unique method whereby, for example, if there are two impasses on the same issue, an election is called. That would focus everybody's attention on the issue. That would not be the case here. If we begin to elect senators, I believe it must be done in concert with a restructuring of powers and at least a restructuring of the relationship between the Senate and the House so that a way could be found to break an impasse.

What is more disconcerting about piecemeal election of that form is that, once again, we would find ourselves in the position where the Senate would actually begin to exercise its power rigorously. Much of that power would affect regional issues and regional imbalance, yet the seat distribution would do nothing to enhance any regional imbalances perpetrated in the House of Commons. In fact, it would make it worse, from Alberta's point of view. Alberta has 9.1 per cent of the seats in the House of Commons and 5.7 per cent of the seats in the Senate. How could this seat allocation, particularly if it were under the parameter of rigorous application of Senate policy, serve to enhance the redressing of regional imbalance? It would not.

If we are to begin to elect senators, it has to be done, I believe, in the context of comprehensive Senate reform whereby we would also address powers, and certainly the process of breaking an impasse. We would also address the numbers of seats.

In a sense, it is a good thing that the Prime Minister has retreated from that position, because now where he finds himself is a very limited — no pun intended — proposal to limit terms in the Senate. That in no way addresses the two most significant objectives, particularly significant for Albertans and westerners. Shortening terms for senators will not make the Senate any more democratic. Term limits will not do anything about seat reallocation. One thing term limits would do is actually hand the Prime Minister an opportunity to make even more appointments, rather than fewer. To that extent, it would be even less democratic. You could argue that the lack of democracy would be exercised more frequently.

The problem remains that, while this term limit initiative is not insignificant — it is, in fact, significant to the role of the Senate — it is not significant to those two very important Senate reform objectives. However, it is significant as to how the Senate is able to do its job. I believe there are two reasons why longer term limits have made a significant contribution to the effectiveness of the Senate.

First, senators have been able to provide institutional memory. You have to be here for a period of time to begin to develop that. I, as a new senator, am struck by the depth of understanding, experience and knowledge of many of the longer-term senators in this Senate. In fact, I spend a great deal of time observing them so that one day I will have that depth and be able to contribute in that way. The history of this institution is replete with examples of senators who have been able to find flaws in legislation. The Senate is replete with senators who channel thought and development of ideas in ways that they might not otherwise have gone, because they understand the pitfalls of the past, or they have experience that would lend positively to the development of thought based on their experiences. You need to be here for a while to get institutional memory and to contribute on that basis to sober second thought, to make that a real concept.

The second reason — and this is even more important — is that longer terms have allowed senators to address issues that are not of intense political interest to a representative who is facing an election every four years, or every 18 months or seven, eight or nine months, if we believe the rumours that there might even be an election in October. That means that while there are issues that are not of particular political interest or do not attract votes that would be the driving force for someone facing an imminent election, there are issues that are enormously important to many Canadians, often Canadians who are less powerful. We can see examples in this Senate all the time. I will mention but a few, and do not mean to exclude anyone, because I do not have time to mention them all.

Senator Fairbairn's work on literacy does not attract a great many votes, I am certain, but it is profoundly important to people in Canada and to the productivity of our economy in many, many ways. There is the work of Senator Kirby and his remarkable committee on mental health. That is not a huge constituency that has a great deal of political power that would attract the interest of politicians looking to get elected in three weeks, but it is an issue of profound importance to many Canadians across this country and the families that must deal with their family members who have these kinds of problems. There is Senator Carstairs and palliative care, another example of long-term work on an issue that is not of particular political prominence and immediacy.

Every one of the senators in this chamber knows that this is an effective body that has made a tremendous contribution to the public life of this country and to the success of this parliamentary system. However, if we are to be successful, we must be able to develop institutional memory and we must have longer-term horizons so that we can deal with issues that the other House does not find interesting, for whatever political reason.

That raises the question of whether or not eight years is long enough. It is interesting to note that the average length of term historically for House of Commons members has been six to seven years; the average length of term for senators has been about 10 to 11 years. An eight year term makes it basically just like the House of Commons and would simply exacerbate that problem or, at least, mimic that problem. It would not solve that problem. It would not offer a complement to that approach.

• (1440)

Eight years seems to me to be fundamentally too short. David Smith — not our honourable senator, although I am sure he would have come up with this idea had he thought of it first — the professor from the University of Saskatchewan in Regina, made the point that 12 years might be reasonable. I think that something in the order of 12 years might be reasonable and that, I would hope, is where the focus of the Senate would begin to apply.

We have to be careful of piecemeal reform even in this respect. Consideration has to be given to its implications, the term "implications," for many other features of the work that we do. I also believe that we have to understand that this term "limit proposal" is here not because it is an objective this government wants to pursue. It is here because they made a promise they simply could not keep and they knew that when they made it.

Hon. Pierrette Ringuette: I wonder if the honourable senator would answer a question, please?

The Hon. the Speaker *pro tempore*: The time for Senator Mitchell has expired.

Senator Ringuette: Would it be possible for Senator Mitchell to have five minutes?

Senator Mitchell: I would ask for five minutes.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Do I understand that the time limit has been reached?

The Hon. the Speaker *pro tempore*: Yes, it has.

Senator Comeau: We will allow five minutes, as usual.

The Hon. the Speaker *pro tempore*: Senator Mitchell, will you accept questions?

Senator Mitchell: Yes, I will.

Senator Ringuette: I have been fairly quiet on this issue, however, that does not mean that I have not been reflecting on it. I was listening carefully to what the honourable senator was saying.

I was a three-time elected politician having served in the provincial legislature, like the honourable senator, and in the House of Commons. The honourable senator has not mentioned the aspect of the independence of the Senate. That is very important for me because I have experienced political partisanship and electoral pressure. I wonder if this bill undermines the independence that we have by making it a renewable term. It opens up a new Pandora's Box with regard to how much due diligence the Canadian population wants of this institution.

I would like to have the honourable senator's comments with regard to the independence aspect, particularly with regard to elections and renewable terms.

I think that one of the most important features of the Senate's role is that it can hold the executive to account. Historians and political scientists understand that this is a very significant role. Once appointed, we are not beholden to the executive. That is a feature that should not be lost and if they are to be renewable terms, then it answers an earlier point that I made in my remarks. I asked why would this Prime Minister give up that power? One day he will become renowned for concentrating power — although hopefully he will not have too long to do that — in the Prime Minister's Office by, for example, insisting that no one can make a statement without clearing it through him. Maybe he has not given up that power. Maybe his understanding is that if he makes the appointment and then has the power to reappoint, he actually maintains power, if not enhances power.

It may not be a coincidence that this Prime Minister is actually treading down that path to appear to be giving more power to the Senate. The Prime Minister is in fact retracting that power by not only repeating appointments or having the ability to do that, but by making the limits very short so that the idea of a second appointment is always high on the particular senator's mind.

I think that Senator Hays' analogy, in his speech of imagining the reappointment of judges, is a very powerful image and speaks powerfully to the honourable senator's point. I accept that point and I think, again, the Senate should be very careful of its independence.

The Hon. the Speaker *pro tempore*: Your time has expired.

On motion of Senator Fraser, for Senator Chaput, debate adjourned.

[*Translation*]

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the order:

> Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, An Act to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator De Bané, P.C.*)

Hon. Pierre De Bané: Honourable senators, it gives me great joy to congratulate my colleague, Senator Spivak, on introducing, on April 25, Bill S-210, to establish and protect Gatineau Park. In a sense, this measure complements the work announced over 100 years ago when the Ottawa Improvement Commission proposed the establishment of a park in the Gatineau hills. I am pleased to rise today to support this historic bill.

Honourable senators, I wish to point out in passing that Senator Spivak could not have chosen a better time to propose this measure. The timing is all the more auspicious since the National Capital Commission is conducting its own study of options that could improve its authority over the park, ensuring the long-term protection of the park and the integrity of its boundaries and ecosystems.

[*English*]

As Senator Spivak has said, Gatineau Park is the only large federal park that is beyond the direct control of Parliament. It is the only federal park that is not a national park, which means that it is not administered according to the same rules and guidelines. Gatineau Park's boundaries can change, its land can be sold and roads can be built inside it without the approval of Parliament. This lack of parliamentary oversight and legal protection has affected the park, the most obvious of which has been the removal of some 1500 acres of its territory in recent years.

Some might say that the National Capital Commission bears sole responsibility for this state of affairs. In my view, however, the organization has done what it could with the tools it was given and within the present legislative framework. It is perhaps we, the legislators, who have not listened carefully enough to the NCC, which highlighted this problem and proposed approaches to help solve it in the 1990 Gatineau Park Master Plan and the 2005 Gatineau Park Master Plan.

[*Translation*]

In its 2005 master plan, the NCC says, and I quote:

> The *National Capital Act* and regulations grant certain powers in respect of managing and protecting federal lands. Additional legislative authority could give the NCC greater breadth of responsibility and power to act.

• (1450)

In my opinion, honourable senators, that is what is at the heart of the problem with Gatineau Park; the lack of necessary legislative powers and authority to ensure consistent, effective and transparent management. This problem has been around for a long time and the NCC already identified it in its 1990 master plan.

[*English*]

That plan said:

> Gatineau Park does not have a legal status comparable to that of national parks, and its boundaries are not fixed by law, which affects the way the NCC can manage the park.

To solve this problem, the master plan recommended that the park be given official status, something needed to "legalize park zoning, boundaries and regulations."

I remind honourable senators that national parks have enjoyed legislative protection similar to that offered to Gatineau Park by Bill S-210 since the National Parks Act was passed in May 1930.

The object of that legislation, as then Minister of the Interior Charles Stewart said in the House of Commons during debate on the bill, was to establish the boundaries of the national parks, embody existing legislation in statutory form, place the parks under the control of Parliament and ensure that any deletions of park territory could be made only by act of Parliament.

Honourable senators who have thought about the issue have no doubt wondered why Gatineau Park is not a national park. The short answer is, a provincial minister died before he could follow through on the idea; and former Prime Minister Mackenzie King, aside from having a personal interest in the matter, feared criticism and favoured privacy at his Kingsmere retreat.

In 1935, at the urging of the Federal Goodlands Preservation League, Minister of the Interior Terence Murphy commissioned a survey to examine the effects of fires and excessive logging in the Gatineau Hills. That study, the *Lower Gatineau Woodlands Survey*, is arguably the most important document leading to the creation of the Gatineau Park. Released in 1935, the survey outlined eight options to control excessive cutting in the area, including public education, land purchase and the creation of a national park.

Mackenzie King's journal entry on December 20, 1937, helps illustrate the former Prime Minister's anxiety over the issue. In it, King confirms that he had let the matter of creating Gatineau Park stand for over a year because of his feeling that people might think he was seeking to improve his Kingsmere property.

Adding that he could not allow a possible misunderstanding of his ownership at Kingsmere stand in the way of preserving the forest, he concluded that he wanted his government to go ahead with the work even if "it meant less in the way of seclusion for myself on the way to and from Kingsmere to have even the Meach Lake district open to tourists."

In short, honourable senators, that is why Gatineau Park is not a national park.

[*Translation*]

In the past 40 years, at least three solutions have been proposed to provide legal protection for the boundaries of Gatineau Park: first, amending the National Capital Act; second, creating a brand-new Gatineau Park commission; and third, creating a new national park through an amendment to the National Parks Act.

I think that the solution put forward by Senator Spivak — amending the National Capital Act — would be the most obvious and would cause the least disagreement. The NCC has managed and operated Gatineau Park for more than a half century, with excellent results. What is more, without the efforts of the Commission and concerned citizens, the park would not exist today. The NCC has created an administrative structure that enables it to solve the problems related to the park and has the experience and the know-how to do the job.

I would like to conclude by quoting noted urban planner Jacques Gréber, who released his plan for the nation's capital in 1952:

> The very potential offered by this magnificent forest reserve on the outskirts of the national capital warrants establishing a permanent protection program. Its natural structure, the infinite variety of its beauty, the possibilities offered by its attractions far surpass the attributes of an ordinary municipal park serving the population of the surrounding cities. It really is the essential feature of any plan for developing our nation's capital.

[*English*]

"The essential feature of any plan for developing our nation's capital." That is what Mr. Gréber said about Gatineau Park.

[*Translation*]

In principle, the NCC is not opposed to protecting Gatineau Park. As the bill suggests, the park should remain within NCC jurisdiction, which will ensure a better balance between the two sides of the Ottawa River, given that the NCC also owns the greenbelt and a number of parks on the Ontario side.

Also, although the NCC feels that imposing an obligation on current owners of private lands within the park could be problematic, it will not adopt a position on this issue, which may be studied in committee.

It should also be noted that the Government of Quebec owns approximately 17 per cent of the lands within the park.

Finally, I should mention that the NCC is not opposed to prohibiting the sale or transfer of lands it owns within the park. However, the NCC must also have the right to acquire lands outside the park to enlarge it.

[*English*]

Honourable senators, by supporting Bill S-210, we have an opportunity not only to provide Gatineau Park with the protection advocated by Jacques Gréber in 1952 as well as all citizens and environmental groups who followed, we can also go a long way toward completing work that started over 100 years ago when the people of Ottawa first began urging the government to establish a great natural park in the Gatineau hills.

[*Translation*]

In closing, I would like to add that the park, as the bill suggests, must remain the responsibility of the NCC, which will ensure a better balance between the two banks of the Ottawa River.

That is why I support Bill S-210 unconditionally. I hope, honourable senators, that you will do the same.

• (1500)

[*English*]

Hon. Jack Austin: I would like to ask Senator De Bané a question or two, if he has time and would agree.

Senator De Bané: Certainly.

The Hon. the Speaker *pro tempore*: We have two minutes left, Senator Austin.

Senator Austin: This is a very important topic which has been raised by Senator Spivak and which Senator De Bané has addressed.

In my time in the Senate, there have been discussions, broader in scope than this bill, and the comments of the honourable senator, which have included the concept of a capital region, which would, of course, come about by virtue of a trilateral agreement between the federal government, the Province of Quebec and the Province of Ontario, and Gatineau Park would be incorporated within it. The idea was that Quebec would contribute additional lands that it controlled and Ontario would contribute additional lands that it controlled. There would be in the nature of a trilateral governance body that would manage this particular new entity.

Has the honourable senator, in his research, seen anything of that and decided not to mention it, or does he feel that at the moment that he would like to keep the debate strictly to the national capital arrangement?

I will ask my supplementary question now. With respect to the honourable senator's question about expanding the boundaries, that would require an amendment to the act because the boundaries in which the National Capital Commission is permitted to operate are described in the schedule to the legislation, which was originally introduced, I believe, in the time of Prime Minister Borden and amended in the time of Prime Minister Mulroney.

Senator De Bané: Honourable senators, the points raised by my esteemed colleague, Senator Austin, are very important.

In regard to the first query about creating a national district, I would be in favour of such a thing. I belong to the school of thought that believes that the national interest supersede regional ones. However, I know that at this moment that issue is moot. Unfortunately, with the Constitution as it stands, no changes can be brought to the boundaries of provinces without their concurrence. Ideally, we should pursue the avenue that has been suggested by Honourable Senator Austin.

As for the other issue, the honourable senator is absolutely right, the National Capital Commission has been established by law. The perimeter of that territory has also been defined, and any amendment to that would require the concurrence of the Parliament of Canada.

[Senator De Bané]

On motion of Senator Comeau, for Senator Cools, debate adjourned.

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerry St. Germain moved second reading of Bill S-216, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator St. Germain, P.C.*)

He said: Honourable senators, I rise today to speak to Bill S-216, the proposed legislation in regard to the Crown's recognition of self-governing First Nations of Canada, a bill the substance of which I personally have introduced three times, but the concept of which has now been introduced seven times in this place since 1995.

Honourable senators should note, however, that the recognition legislation actually came out of the constitutional negotiations of the 1980 to 1983 period, which then resulted in the Trudeau government's legislative proposal, Bill C-52, that was proposed 23 years ago.

Honourable senators, allow me to make a few preliminary comments before I speak directly to the bill before us.

We are all well aware that before the arrival of the Europeans on North America's shores, the then existing inhabitants were citizens of their own structured societies. These societies possessed their own government systems, culture and language, and the peoples of these nations shared a deep religious faith centred in the sanctity of nature. Their societies were complex and specialized. Each nation lived off its land and waterways. Some were nomadic, while others built communities. Commercial networks spanned the continent, and nations traded food, clothing and crafts.

Honourable senators, I am Metis. I grew up in Manitoba. My father was a hunter and trapper. His ancestors, whom he had told me about, were buffalo hunters. As a young child growing up in this atmosphere, I realized that there was no future in trying to continue this dying way of life, in spite of the fact that, in our hearts, we yearned for much of that lifestyle. The muskrats were disappearing and the buffalo were gone.

Honourable senators, the autonomy of earlier generations has been compromised throughout history, and today Aboriginal people struggle to maintain cultural and legal self-sufficiency. One of the most important public policy matters facing Canada is the issue of Aboriginal rights, and central to the debate is the right to self-government.

The concept of recognition legislation is this: There needs to be a way for all First Nations with a recognized land base to be recognized by the Crown as possessing self-governing rights that pre-existed the arrival of explorers and settlers to North America. Canada's Parliament must be dedicated to establishing a new relationship with First Nations, a relationship which the Royal Commission on Aboriginal Peoples called "a necessary transformation in consciousness."

The report of the Royal Commission on Aboriginal Peoples said that this new relationship must be based on four principles: First, mutual recognition of First Nations' right to co-exist as self-governing peoples in Canada; second, mutual respect; third, mutually beneficial economic interdependence through the sharing of benefits and the application of First Nations' values in resource management; and fourth, mutual responsibility derived from political autonomy, resulting in appropriate fiscal arrangements rather than welfare.

First Nations — at least, all of them who are prepared to do so — must be able to exercise their rights to self-government in their areas of jurisdiction.

A recognized First Nation must have the power to make laws respecting the First Nation and its members, lands, language, identity, culture and other matters which are set out in its own Constitution, subject to any limits provided for in the Constitution, and in the manner provided for in that Constitution.

In order to answer the question as to why recognition legislation was brought forward, allow me to cite some basic demographics and trace a brief history of the relationship between Aboriginal peoples and Canada.

Canada's Constitution specifies three categories of Aboriginal peoples: Indians, Inuit and Metis. With respect to Indians, the preferred collective term today is "First Nations," with its implication of many separate, formerly sovereign, entities. Indians are by far the largest in number and occupy all but the northernmost reaches of Canada.

• (1510)

Today, there are approximately 850,000 Indians, 45,000 Inuit and 290,000 Metis people in Canada. There are 51 languages comprising 11 major linguistic families, many more than there were spoken at the time of the European contact.

The great majority of the Aboriginal languages of Canada are endangered. Only three — Cree, Ojibwa and Inuktitut — are spoken over large areas today.

First Nations Indian land reserves measure approximately 3,241,094 hectares, approximately 0.35 per cent of Canada's land mass. There are approximately 2,892 First Nation reserves, many of which are uninhabited. Some 615 official First Nation bands reside on these reserve lands.

In 1763, the end of the Seven Years War, saw the arrival of the Royal Proclamation which told the colonial government how to deal with Indian people. Basically, it said before you settle the land, before you open the land to European settlement, you must go out and treat with the Indians. You must arrange a transfer of title and a regularization of affairs. That was what Canada did for a long time.

There were 15 treaties made with First Nations between 1725 and 1921. The classic 18th century treaties were about friendship, navigation and commerce.

In the 19th century, at the time of Confederation, starting with the Robinson treaties of 1850, the flavour of the treaties changed from arrangements between military equals to ones of the 1763 colonial spirit.

The numbered treaties were outright land cession documents.

Following Confederation in 1867, Canada's Parliament consolidated a number of smaller statutes into the Indian Act of 1876. These numbered treaties in the Indian Act led to a destructive system, the period of time when reserves were little better than prisons. Cultural ceremonies, language and mobility rights were effectively banned. Traditional hunting and fishing rights were substantially eroded in that time. For example, as soon as the government discovered that Indians were trading in a valuable commodity like salmon, they moved to take the fishing rights away from our native peoples.

Prior to 1927, First Nations had been calling for the terms of the treaties to be implemented. Then, in 1927, Canada moved to prohibit their rights to pursue grievances through the courts. Parliament amended the Indian Act to make it illegal to "receive, obtain, solicit or request from any Indian any payment for the purpose of raising a fund or providing money for the prosecution of any claim" without the consent of the Superintendent General of Indian Affairs.

It was not until 1951 that potlatches were allowed again in British Columbia, or that Indians were allowed to hire lawyers to defend their rights.

In 1960, Indians were recognized as citizens of Canada and given the right to vote by then Prime Minister Diefenbaker.

Since 1969, there has been a wave of public expression, policy and court actions in the direction of more autonomy, more self-government and more self-reliance. This was best expressed by the Nisga'a of British Columbia who brought the whole issue of Canadian Aboriginal land claims into focus when they brought their fight for recognition of Aboriginal title to the Supreme Court of Canada. The issue at stake was whether or not such title existed. This, of course, was the *Calder* case which determined that Aboriginal title predated the settlers and that Aboriginal title exists in Canadian law regardless of any recognition by government.

In response to *Calder*, the federal government developed policies and procedures for the purposes of negotiating land claims based on outstanding Aboriginal title. Additionally, claims for more autonomy caused the government to pursue programs like devolution, meaning First Nations would administer programs that were designed in Ottawa. The focus was to move from Indian administration to Indian management.

As a direct result of the imposition of the government's Indian Act, living conditions on reserves grew steadily worse.

Over the last 30 years, as a consequence of commencing claims resolutions and increased government service funding, these living conditions have steadily improved.

There are some Indian groups that are wealthy beyond imagination, and there are some that are absolutely destitute with no earned incomes at all.

Voices in Indian country started to present their views on policy and what the government should do to improve what had come to be known as "apartheid conditions" on reserves. These voices concentrated around two polar opposites. The first was a concept of self-government and self-reliance — to do away with the Indian Act entirely. The second was about the notion of trusteeship — to maintain the special relationships the act legislates, that is, fiduciary obligations.

Bill S-216 is concerned with the right of self-government as an Aboriginal and treaty right. Section 35 of the Constitution Act, 1982, recognizes and affirms the existing Aboriginal and treaty rights of Indians, Inuit and Metis, without defining those rights. The status of Aboriginal self-government under that provision has been a matter of ongoing debate.

From 1983 to 1987, intergovernmental negotiations to define the content of a constitutional right of Aboriginal self-government proved unsuccessful. During this period, federal policy took a community-based approach to negotiating self-government.

In 1995, general political acceptance of the concept of self-government led to federal recognition of the inherent right of Aboriginal self-government as an existing right under section 35. Under this revised policy, the objective was, for the first time, to negotiate land claims and self-government agreements and to implement the terms of historic and modern treaties.

Notwithstanding this significant policy development, unanimity among Aboriginal groups and governments on the nature and scope of self-government powers and on the range of section 35 protections remains elusive.

Self-government negotiations are currently in progress in virtually every jurisdiction across Canada.

In 2004, there were 72 negotiating tables representing 457 Aboriginal communities, including 432 First Nations communities and 25 Inuit communities. Over 50 were comprehensive claims-related tables.

The self-government negotiation context covers a range of comprehensive and sectoral initiatives, as well as stand-alone processes, for example, the negotiation of a forestry or fisheries agreement affecting First Nation lands. None of the sectoral or stand-alone negotiations and few of the comprehensive negotiations are constitutionally protected under section 35.

Furthermore, many years of negotiations produced very few self-government agreements.

The government's inherent right policy was first directly implemented in the 1998 tripartite Nisga'a Final Agreement. This was the first modern treaty in British Columbia and the first in the country to explicitly extend section 35 protections to self-government rights as well as land rights in the same agreement. Imagine, honourable senators, it only took 24 years to negotiate and settle that claim.

When you step back and look at our progress, you see a picture where hundreds of specific claims and dozens of comprehensive claims are being negotiated, costing millions of dollars in legal fees. More important, you realize that individual claims are taking decades to resolve.

One cannot help but think that there must be another route to honouring and implementing the treaties. It is ludicrous that future generations of Aboriginal people must live under a colonial regime as second-class citizens on land they occupied first and then shared with the newcomers. I believe it is totally unacceptable.

How do we speed up the process; or, what is slowing it down? First Nations have always claimed that they never ceded, extinguished or otherwise gave up their right to self-government on their lands. Governments have insisted on negotiating this right. As I mentioned earlier, there has never been an agreement on the nature and scope of self-government powers and on the range of section 35 protection.

It is this reality that has bogged down treaty implementation. The challenge remains — how do we get treaty rights implemented? How do we get treaty rights out of the courts, off the negotiating table and back into the hands of First Nations?

• (1520)

Under the Indian Act, First Nations determined long ago that they could never achieve their fundamental goal of gaining recognition of their land management authorities and resuming jurisdiction over their lands. The vehicle of delegated ministerial responsibilities was not capable of enabling First Nations to achieve this recognition. To date, amending section 35 of the Constitution has been impossible. The extension of section 35 protection to self-government powers and the nature of those powers remain controversial. No one can even agree as to whether section 35 contains self-government protections.

Government officials still see section 35 as an empty box. That leaves the legislative route — an act of Parliament, an act to allow for recognition of Aboriginal and treaty rights so that First Nations will have the authority to resume jurisdiction over their land. Such legislation must be a First Nation initiative. It must be optional — not something that is rammed down anyone's throat. It must not prejudice Aboriginal rights, treaty rights or constitutional rights. It must provide jurisdictional protection of First Nation lands. It must not affect existing individual and collective rights and it must not prejudice the right to benefit from government programs.

Under section 35, self-government, as an Aboriginal right, is based on the notion accepted by the courts in the *Calder* case that First Nations were organized societies with their own laws and customs when Europeans arrived in North America. In terms of treaty rights, either the right of self-government continues as a residual Aboriginal right that was not extinguished by treaty or the right of self-government is itself a treaty right which was recognized when the Crown entered into treaties with Indian nations.

The inherent right of self-government has been recognized in federal government policy and by the Royal Commission on Aboriginal Peoples, and the framework for its recognition has been established by the Supreme Court of Canada under *Sioui*, *Van der Peet*, *Pamajewon* and *Campbell*. While the Supreme

Court of Canada has not yet legally recognized it, the policy and jurisprudential developments in Canada clearly point to its existence under section 35. If the right exists, then it is protected by section 35 and shielded by section 25 of the Charter and cannot be unilaterally regulated by federal or provincial legislation. Parliament cannot infringe upon their constitutional rights without proper justification.

If First Nations have an inherent right to govern themselves, how can Parliament create this authority? Parliament cannot regulate the exercise of the inherent right, but it can prescribe the way the Canadian government proposes to interact with First Nations governments. It can prevent government intrusion into First Nations internal affairs. Canada can recognize First Nations who exercise the inherent right of self-government.

From a constitutional standpoint, both federal laws and provincial laws may be held to apply to an Aboriginal people, even if the effect of those laws infringes upon existing Aboriginal and treaty rights. However, such laws must undergo the justificatory test established by the Supreme Court in *Sparrow*, *Van der Peet* and *Delgamuukw*.

It seems to me that legislation that recognizes the inherent right of self-government would not be seen as an infringement by First Nations and, therefore, would not be in contravention of section 35 of the Constitution Act, 1982. What authority could Parliament exercise or what is the jurisdictional basis of recognition legislation?

Section 91.24 of the Constitution Act, 1867 gives Parliament the exclusive jurisdiction to pass legislation regarding laws affecting "Indians and the land reserved for Indians." This permits Parliament to pass legislation that grants to First Nations or, in this case, recognizes a First Nation's power of governance over their people and lands.

The Government of Canada needs to legislatively recognize Aboriginal governments. Doing so has been the primary recommendation of academics for at least the last 14 years, since the non-controversial constitutional self-government provisions fell with the defeat of the Charlottetown Accord in 1992. Government policy recognizes an inherent Aboriginal right. Dozens of academic articles highlight the importance of self-government and call for formal recognition. In numerous court cases, Aboriginal defendants have sought to protect practices and powers that they claim are founded on their right to practise and protect self-government. Courts, though recognizing the possibility of such a right, have been unable to connect the plaintiffs' practices to the anchor of self-government. In part, this is because of briefs; in part, this is because of confusion having to do with Aboriginal titles and rights.

The proposed legislation provides a simple mechanism for Canada's recognition of those First Nation governments that wish to be so recognized. By providing a constitution ratified by its members, a First Nation may implement for itself such jurisdictional areas respecting the First Nation and its members, lands, language, identity, culture and other matters, or have its existing jurisdictions formally recognized. Such a procedure is a crucial step in economic development, interaction with other governments, management of Aboriginal lands and providing effectively for members. The federal government has long, under both federal governing parties, ignored the advice of Aboriginal citizens, commissions, both external and those chartered by the government, and even an international community for which indigenous self-government is becoming customary international law. First Nations that desire to do so deserve the right to use this proposed legislation as a means of consolidating their land base and their membership, defending and developing their natural resources and gaining economic opportunities.

Dramatic new features over the past year — the water contamination at Kashechewan reserve in Ontario and the land claims protest at Caledonia — suggest that the possible consequences of inaction are more unacceptable living situations, more chaotic government and interpersonal relationships, more lost resources and, most important, more lost human resources. More wasted resources and more lost lives.

In testimony before the Penner commission in the early 1980s, Aboriginal representatives were crystal clear in their calls for self-government. Contained in the hundreds of pages of testimony, one witness, Chief Frank Powderface, explained that initiative a creativity stem from allowing Aboriginals to shape their own destinies. They must learn from their own mistakes. Chief Powderface goes on to say that when the department makes the mistakes for them they learn only one thing and that is how incompetent the department is.

The situation is no less true today.

In a recent monograph, Professor Alan Cairns explains that the First Nations and their members are alienated from the Canadian constitutional order. He comments that First Nations are increasingly dubious of the trustworthiness of both federal and provincial governments, no longer the "citizens plus" of his own earlier work. Professor John Borrows notes that First Nations are, "uncertain citizens," increasingly left out of their proper place and offered only an unequal substitute. Professor Borrows goes on to say that the unequal substitute and not proper self-government, raises the spectre of secession because the international community approves of secession in cases where internal nations are poorly treated by their dominant government. As a direct result of the devaluation of Aboriginal governments, no amount of money spent in programs and services can alleviate what are acknowledged to be devastating conditions for Aboriginal citizens both on and off reserves.

• (1530)

Borrows says that the most recent Auditor General's status report found that progress in management of programs for First Nations was unsatisfactory on 15 of 37 previous recommendations. "Generally the recommendations that are the most important to the lives and well-being of First Nations people."

The report calls for more "sustained attention of management, coordination of government programs, meaningful consultation with First Nations capacity, establishment of First Nations institutions, development of an appropriate legislative base for programs, and consideration of the conflicting roles of Indian and Northern Affairs Canada.

The proposed Bill S-216 speaks directly to these concerns by providing a legal legislative base, offering recognition and greater respect for the First Nations government, and thus recognition and greater respect for First Nations management, institutions, and economic capacity unaffected by conflicts of interest or inattention in Indian and Northern Affairs Canada. First Nations and other government resources now wasted can be redirected towards real issues and real problems.

Honourable senators, I believe the fundamental elements of the bill have been captured in the summary. I may also refer honourable colleagues to my remarks at second reading of Bill S-16 for additional specific details. There are, however, particular aspects that I wish to highlight by providing further comment. My first point concerns the areas of jurisdiction.

Bill S-216 provides a list of heads of jurisdiction. The areas named are typical of those which appear in self-government legislation already passed by Parliament for other specific First Nations. As well, the areas are those which naturally fall within the range of First Nations management of its own internal affairs. There is nothing to stop a First Nation from negotiating an agreement with the federal government to exercise additional areas of jurisdiction. However, a First Nation should not have to negotiate regarding the areas of jurisdiction that are implicit in internal governments and that have already been agreed to with regard to other First Nations, thus the list in Bill S-216.

Also, there is nothing in Bill S-216 which requires a First Nation to exercise all the areas of jurisdiction. Each First Nation can decide which areas it is prepared to take on. Until a First Nation assumes an area of jurisdiction, the status quo prevails.

Consultation is another matter that compels comment. Recent jurisprudence has reinforced the right of First Nations to be consulted about decisions of governments that may impact on Aboriginal and treaty rights. The issue of consultation regarding Bill S-216 has been approached in several ways. For more than a decade the general thrust of Bill S-216 appeared in several previous bills under the same name. Its predecessor, Bill S-16 in the Thirty-eighth Parliament, was widely circulated and invitations were made to submit briefs. The Standing Senate Committee on Aboriginal Peoples held several hearings. A major and well-attended conference on the bill was held in Manitoba. Additional hearings will be scheduled for Bill S-216. Amendments proposed by witnesses will be considered by the committee. If the Senate passes the bill, it will go to the House where there will be additional committee hearings and possibly other amendments. The government, of course, is also free to engage in consultation, as it frequently does, in relation to bills it introduces in the House.

A third issue concerns whether a First Nation community must be of a certain size to become eligible to be a self-governing First Nation. Should there be a tipping point or appropriate levels for a First Nation to exercise jurisdiction, and if so what are the economies of scale? First Nations are highly varied by culture, language, geographical location, size, history and other factors. It is important that each First Nation be able to exercise its right to self-government in a manner appropriate to its unique combination of circumstances. At the present time, however, the Indian Act does not permit First Nations to group into regional or tribal governments to act in a manner they consider to be most appropriate and efficient.

Bill S-216 recognizes the ability of First Nations to group together, for example, for a child welfare service, or to engage in joint environmental, economic, health or educational activities. First Nations themselves recognize the value in combining forces, sharing resources and working together. For the first time, Bill S-216 will mandate the federal government to recognize these arrangements.

Fourth is the matter to address funding concerns for recognized First Nations. Bill S-216 originates in the Senate. Therefore it cannot address the question of federal resourcing of recognized First Nations. It therefore remains neutral on the subject, neither adding to nor detracting from existing arrangements. Recognition of First Nations jurisdictions will enable First Nations to take better advantage of economic opportunities and will arrange for more efficient administration of their affairs than is possible under the current administration.

Money now devoted to costly administrative arrangements can be used more efficiently by recognized First Nations. Under the Canadian Constitution, Parliament and the legislatures, together with the Government of Canada and the provincial governments, are committed to ensuring all people of Canada are provided essential public services of reasonable quality. Even some provincial governments are provided additional funding so they can meet these obligations.

A final matter that I wish to address at this time relates to the number of self-government agreements already in place. Canada began to negotiate the self-government agreements related to comprehensive claims in the 1980s. Starting in 1995, Canada began to negotiate self-government agreements related to the implementation of its policy regarding the inherent right of self-government. In more than the two decades involved, only 17 agreements are in place. Of the 17 agreements, 11 are related to the Yukon comprehensive claims settlement. Despite a decade of multi-million dollar expenditures and efforts on all sides, the present method of dealing with First Nation governance in a manner compliant with the 1982 amendments of the Canadian Constitution has simply not produced the necessary results.

Bill S-216 does not eliminate the need for negotiations. We still have to negotiate, but the bill requires that Canada recognize the right of First Nations to govern their own internal affairs immediately, while negotiations on more complex or controversial matters continue. There will be immense savings for all parties as a result.

Honourable senators, the purpose of recognition legislation is to implement a framework and mechanism so Parliament provides the federal government with statutory authority and a statutory mandate to recognize First Nations and the rights and powers of their governments, institutions and other bodies.

Recognition legislation codifies, in a modest yet realistic way, most of the best practices on First Nations self-government that have emerged as a result of litigation, negotiation and legislation. The legislation offers those best practices to First Nations that might not have the capacity or the resources to litigate or negotiate, or that might prefer the legislative process. The bill respects the federal and provincial distribution of legislative

authority. The bill operates within the demands of the Constitution and the Charter of this country. It provides for extensive democratic checks and balances. It ensures the utmost in fiscal and financial accountability. It offers real democratic participation to First Nations to alter, for the better, the way they are currently governed. It will break the logjam of study after study, report after report, and negotiation session after negotiation session. The bill offers real self-government recognition to First Nations right across this country.

• (1540)

Native chiefs from First Nations have advised Canada that:

> Accepting and investing in self-government is the single most crucial factor for the development of real accountability, social cohesion and economic growth. The focus for First Nations has always been the issue of self-government. There have always been gaps in cross-cultural understanding between First Nations and non-Aboriginal Canadians, probably due to the inability to explain matters in a way understandable to the other. Self-government is still not understood. Nor is the fact that self-government is the number one priority to be resolved.
>
> Government has consistently placed a greater priority on addressing poverty, housing, education, infrastructure, social conflict, and fiscal measures. The evidence assembled over the last 15 years clearly points to self-government being the key determinant of success in any society. The Harvard Project on American Indian Economic Development concluded that the best predictors of sustainable economic development on indigenous lands are not "economic" variables; rather they are a set of political factors — practical sovereignty, capable governing institutions and cultural match.
>
> The United Nations Development Program also determined that a "capable government", able to perform key functions effectively, is a pre-condition for development. The essential point is that there is a vast difference between communities simply administering federal programs and those allowed to develop the institutions and modes of operating that reflect the community's intrinsic values.

In Canada, a First Nations right to self-government is enshrined in section 35 of the Constitution Act. For more than 20 years, Canadian courts have been pointing to the need for a different approach to the recognition of the right to self-government. Many First Nations are ready for self-government today. Others want to express their right to self-government within the context of historic or modern treaties between their nations and Canada. Self-government is the hope for the future. It is the only way forward.

Honourable senators, this proposal has been before us seven times; twice before an Aboriginal Peoples Committee study and once included in the substance matter for the Senate study, *Forging New Directions*, chaired by Senator Watt.

I pray that this is the last time that I or any senator will have to bring this bill before the Senate. Bill S-216 is consistent with our Constitution and Charter of Rights and Freedoms. This is a good and honest instrument. Let us not forsake our Senate duty to protect the minorities in Canada. Let us not bring shame upon this place by choking the parliamentary process through inaction. Rather, honourable senators, speak to this bill, send it to committee and vote on it at third reading. Let us quickly send it to the other place where the government can be called to stand and state its position on this fundamental Aboriginal right.

In closing, I have but one hope, and that is to hear the Prime Minister of Canada say that Canada was founded by Aboriginal peoples with the French and English peoples, that these three ethnic groups form the heart that is Canada and that their cultures and languages form the undeniable element of the identity of all Canadians, even if some of us do not yet know the other as well as we should.

Honourable senators, let us work and go forward!

[*Translation*]

Hon. Aurélien Gill: Will the honourable senator take a question?

Senator St. Germain: Yes.

Senator Gill: I congratulate Senator St. Germain on his speech. I was not here for the beginning, but I know there is so much to say. You demonstrated, once more, that no matter how much we say, we end up saying the same things.

Why do we always hear the same things, even though we are fully aware — as we were recently told again in committee — that, out of a thousand claims before us, covering a span of 30 years, only approximately 200 have been resolved, which means, on average, only six or seven per year.

There are, as he said earlier, approximately 50 comprehensive land claims. One, two or three are resolved each year. There are just as many that have not yet been filed, that are still to come.

Why can we still not find a way to achieve self-government? After so many years and so much rhetoric, what must be done?

Senator St. Germain: It is simple, honourable senators; we must continue to work relentlessly on this file. I believe that things are beginning to improve. We now have a Minister of Indian Affairs and Northern Development who understands these files. He has been working on them for approximately 12 years and we have a good chance of seeing some success if we continue to work this way.

[*English*]

I do not think we can give up, honourable senators. Senator Gill has brought forward something significant. We are working on specific claims right now as to why there is a bottleneck. We were told in committee this week that it takes nine years for a specific claim to be processed. We were told that funding over the years has been reduced in the Department of Justice and in the Department of Indian Affairs and Northern Development to deal with these claims. The solution, to expedite them under the present methods, is to have more human resources to do these things.

On a bill such as this, we have to be persistent. We have made huge progress as Aboriginal peoples. We have made giant strides, and we are on the cusp of going forward the way we should and the way we should have been.

People are recognizing now that the great resource of our Aboriginal peoples are our Aboriginal youth, who outnumber any other youth group and any other ethnic group in Canada. That resource must be channelled in the right direction.

There are many dynamics in the country socially, economically and various other aspects that are driving this agenda. I believe that when the Liberal Party was in government attempted to make progress, but we keep returning to the same thing. We keep saying, "We have to do things for the Indians; we have to look after their health, et cetera." Why not let them look after this for themselves? I have discussed this with Senator Austin.

The First Nations have to start building capacity. We have to start giving them responsibility in the areas of education, health and their own economy. That thought process is there. I hate bring up the subject, but the Kelowna accord was a step in that direction. I spoke with the minister, and I am thoroughly convinced that he is committed to the principles of the accord. I have no doubt.

Financially, if we are committed to them and we know how much they cost, it is just a matter of how to get the money there. He may not want to put the money up in a five-year block, as did the previous government, but he is prepared to put those measures in place.

We must never give up. It is like the people I grew up with, honourable senators. Unfortunately, very few of them were able to be successful. They did not have the educational skills. The culture that they came from was in conflict with the culture that they were trying to enter into. Many more are now succeeding. When we travelled the North with Senator Sibbeston, we see the Tlicho, to whom we have given self-government. The last administration fulfilled that dream for the Tlicho people. With their educational process they have produced, teachers, lawyers, engineers and professionals. Today they have over 100 students being educated in this profession. When they began this process of focusing on education, there was one person with a degree.

• (1550)

There is no simple solution. I know that some, such as the honourable senator, have had a great deal of patience. On behalf of every Canadian, I thank the Aboriginal peoples who have had the patience to live with us through our misunderstanding of such an important file and important issue for all Canadians. Unless we all succeed, we all fail.

[*Translation*]

The Hon. the Speaker *pro tempore*: Honourable senators, the time allocated to Senator St. Germain has expired. Does Senator St. Germain wish to have five more minutes?

Senator St. Germain: Yes.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*English*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): It was a five-minute response to two questions.

The Hon. the Speaker *pro tempore*: Thank you, Senator Comeau.

[*Translation*]

Senator Gill: Honourable senators, I will be brief. I wish to thank the Senator for his reply. I would like to ask him another question. I firmly believe that if changes must be made, they must come from the people themselves, assisted by us and by existing institutions. Would the honourable Senator be prepared, for example, to take Bill S-216 to the community representatives and say: this can be done by the government? What do you think of it now and what do you want for your communities?

When we talk about self-government that means the people must decide for themselves. Would you be prepared to do this?

Senator St. Germain: Absolutely, Senator. I have already begun working with several groups from Manitoba, Saskatchewan, Alberta, and we may start in Quebec also. I guarantee it. Yes, it is important that they be there to make these decisions. This is not Senator St. Germain's bill. This bill is based on all the agreements already in place in our country.

[*English*]

I can assure the honourable senator that two things are important: first, that our Aboriginal peoples be part of this process; and second, the way in which we bring them into this process. Nothing in Bill S-216 forces Aboriginal peoples to do anything. It is voluntary.

Hon. Jack Austin: Honourable senators, I want to congratulate Senator St. Germain for bringing this important topic and his thorough examination before this chamber and for putting this on high priority for public policy consideration. There are so many issues.

Many communities internal to the Aboriginal communities are affected by the concept of self-government. We have the guidance of the Royal Commission on Aboriginal Peoples. Has the honourable senator considered the opportunity of presenting his bill in the dialogue that Senator Gill mentioned, to which he responded, at the annual meeting of the Assembly of First Nations that will take place in Vancouver in August? The conference will bring together more than 2,000 Aboriginal leaders.

Senator St. Germain: I thank Senator Austin for that question. I know he has worked on this file during his 30-some years in the Senate. He is highly cognizant of the requirement.

If the honourable senator had a way of introducing this bill and putting his name on it, I would be totally satisfied, provided it is determined where this proposed legislation is headed. This is an attempt on the part of one member of the Senate to try to make things better and give our Aboriginal peoples an opportunity. Whatever vehicle we have to use to get there, let us use it.

On motion of Senator Austin, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-207, to amend the Criminal Code (protection of children).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that the Honourable Senator Dallaire is the second speaker on Item No. 10 under Senate Public Bills, the 45-minute rule would generally go to the speaker on this side. Could the house agree to apply the 45-minute rule to this side rather than to Senator Dallaire?

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators, that Senator Dallaire have 15 minutes for his speech and that the government side then have 45 minutes?

Hon. Senators: Agreed.

Hon. Roméo Antonius Dallaire: Honourable senators, I was not informed of this beforehand and I am prepared for longer than 15 minutes. Either I speak today and be cut off in midstream or be given the opportunity to speak at another time. I am looking for guidance in this exercise.

Senator Austin: I advise that the honourable senator speak at another time.

Senator Stratton: The clock is running.

The Hon. the Speaker *pro tempore*: It is agreed that the government side have 45 minutes. The honourable senator has 15 minutes.

Hon. Senators: Agreed.

Senator Dallaire: Honourable senators, I would prefer to have an opportunity to speak in full at another sitting of the Senate.

Order stands.

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, concerning personal watercraft in navigable waters.—(*Honourable Senator Stratton*).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Spivak and I have discussed some ideas on Bill S-209. She has agreed that I would ask to rewind the clock at this time and that this item be pursued next week.

On motion of Senator Comeau, debate adjourned

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (*decisions taken during the period of dissolution between the 38th and 39th Parliaments*), tabled in the Senate on June 13, 2006.—(*Honourable Senator Furey*)

Hon. Joan Cook moved the adoption of the report.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1600)

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Munson calling the attention of the Senate to the issue of funding for the treatment of autism.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I wish to add my support to Senator Munson's inquiry about a tragic illness that is still not fully understood, Autism Spectrum Disorder.

Other colleagues, including Senator Munson, have spoken about the illness. I wish to address the enormous human costs associated with ASD. Those who suffer with ASD, particularly children, are mostly relegated to the margins of society, and are pitied, feared and humiliated. Their families and friends are usually shunned and isolated. They are more often than not left to cope alone, often resulting in anxiety, sleep deprivation, depression and other related maladies.

Families have been torn apart, friendships lost and normal relationships made all but impossible. Productive contributors can easily become dependent on society, with its associated loss of self-respect and dignity.

The difficulties and challenges faced by those whose lives are impacted by ASD, unlike other serious illnesses, are compounded by the fact that appropriate resources to treat the malady are either unavailable or insufficient. As Senator Munson said, national treatment standards and levels of funding vary greatly across the country. Most families are left to cope on their own, exhausting their resources and often finding themselves in serious debt.

Honourable senators, if there is a positive side to this tragic illness, it is the fierce and unconditional love by caregivers for those afflicted, usually mothers and wives who totally dedicate their lives to the one who is ill. When we witness such love and caring, the strength and commitment are inspirational.

I, too, question the lack of sufficient resources available to research and treat ASD, especially when we see the successes resulting from current methods of treatment. I support and commend Senator Munson for his quest to treat autism like other serious illnesses. It is un-Canadian to do otherwise.

Hon. Wilbert J. Keon: Honourable senators, I also feel obliged to make a few remarks about the horrible situation in which many families find themselves.

I am reluctant to call this a disease at this time because we really do not know what it is. What I wish to emphasize is where we are with research and where I think we might be able to go. I believe some positive things might come out of this.

One of the Canadian Institutes of Health's 13 institutes — the Institute of Neurosciences, Mental Health and Addiction — is helping to support autism-related research. Among its priorities, the institute is supporting research to enhance mental health and neurological health, to address language and communication disorders and cognitive functioning, all issues of key importance in the field of autism.

The institute is also supporting research to reduce the burden of disorders, including autism, through prevention strategies, screening, diagnosis, treatment, support systems and respite care. It is working with partners to set research priorities, reduce duplication and accelerate the translation of knowledge into improved health.

In November 2003, CIHR announced a $2.9 million, six-year partnership between the U.S.-based National Alliance for Autism Research and CIHR's Institute of Neurosciences, Mental Health and Addiction. This team is lead by Dr. Eric Fombonne of McGill University, and the aim of this program is to train the next generation of researchers to uncover the mysteries of autism.

Honourable senators, this research focus was developed in response to complaints from individuals who have autism in their families or who work in the field. They said that locating experts can be extremely difficult. This project, which also benefits from $300,000 provided by the Fonds de la Recherche en Santé du Québec, will help us build our Canadian capacity so that more experts will be available to contribute their expertise to help families and caregivers.

In November 2004, CIHR's Institute of Human Development, Child and Youth Health announced an award of $6 million to three research teams to study the cognitive and behavioural development of infants, children and youth, including $2 million to a team led by Drs. Susan Bryson of Dalhousie University, Eric Fombonne of McGill University and Peter Szatmari of McMaster University to study Autism Spectrum Disorder.

Honourable senators, by focusing on the critical period between when the child is first diagnosed and then enters school, the team is examining not only the child's individual experience of autism, but also the way that factors such as family, health services and community affect the development of this disorder.

Honourable senators, many experts within the medical field, and indeed many parliamentarians, including Senator Munson in his second reading remarks on March 11, have called for a national autism strategy. Such a strategy would expand the Canada Health Act to cover autism treatment for every child who is diagnosed, provide timely diagnosis so that no child will wait more than two weeks to see a qualified professional and to create a graduate level of programs for autism treatment with professionals. This is understandable. The treatment for autism, applied behavioural analysis, otherwise known as intensive behavioural intervention, is currently regarded as the most promising means of treating autism. However, the treatment is very costly — upwards of $40,000 a year — and is beyond the reach of those already dealing with significant costs of raising autistic children.

Honourable senators, I do not believe that the Canada Health Act is necessarily the way to address these issues because autism is much bigger than a health problem. Each province and territory is responsible for the organization and delivery of health care services within its own jurisdiction and each administers its own publicly funded health insurance and is grappling with how to deal with this horrible situation. However, I believe they have all concluded that they cannot deal with ASD under the Canada Health Act.

The Canada Health Act, or Canada's federal health insurance legislation, sets out the criteria and conditions which each of the provincial and territory health insurance plans must meet in order to be eligible for full federal funding under the Canada health transfer. What the Canada Health Act provides is that each of the provincial and territorial plans must cover insured health services, namely medically necessary hospital and physician services. This means any medical service provided by a physician or in a hospital that is considered to be medically necessary in the treatment of a disease or condition should be covered by the provincial and territorial health insurance plans.

However, honourable senators, the Canada Health Act does not apply to the many other health care services that are provided outside hospitals, and by non-physicians. Since intensive behavioural therapy services for autism are among the many other health care services provided outside hospitals and by non-physicians, they are also outside the scope of the Canada Health Act.

This entire situation requires careful thought. At the present time, it is up to the provincial and territorial governments, that have the responsibility for this, to try to come up with a strategy. However, I also fully appreciate that the federal government must play its role, and I have not the slightest doubt that it will.

• (1610)

Honourable senators, we need to collaborate with other levels of government, non-government organizations and the voluntary sector to support a range of programs and initiatives that assist all children, including those with disabilities, in reaching their fullest potential.

In conclusion, honourable senators, I wish to thank Senator Munson for introducing this notice of inquiry for debate. I know it is an issue he cares about deeply. Collectively, we must ensure that all children affected by autism and Autism Spectrum Disorder, as well as their families, have an opportunity to fully participate in Canadian society, but we will only get there when

we do enough research to know what we are dealing with. This may require some patience along the way. No one has a solution to this entity, I believe, but it is an entity much bigger than health.

On motion of Senator Johnson, debate adjourned.

HEALTH

MOTION URGING GOVERNMENT TO PROVIDE LONG-TERM END-OF-LIFE CARE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Joyal, P.C.:
>
> That
>
> Whereas the federal government has a leadership and coordination role, and a direct service delivery role for certain populations, with regards to palliative and end-of-life care in Canada;
>
> And Whereas only 15 per cent of Canadians have access to integrated, palliative and end-of-life care;
>
> Be It Resolved That the Senate of Canada urge the Government to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and meets the needs of Canadians; and
>
> That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Comeau*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I shall not speak long on this motion, but that fact should not be taken as indicating the depth of my support for it. This is an important question and an important motion that Senator Carstairs has placed before us.

In this chamber, we are all of an age where we will have seen someone close to us in need of palliative care at the end of their lives. Many of us will have seen the devastating consequences that can occur if such care is not available.

As Senator Carstairs' motion reminds us, only 15 per cent of Canadians now have access to integrative, palliative and end-of-life care.

As I thought about her motion, I was reminded in particular of a man I knew who died not long ago. His wife died a few years earlier, after a long and difficult bout with cancer. There was no palliative care available anywhere near where they lived. She died at home, but she was ill for a long time before she died.

Toward the end of her life, he hired a nurse to come in to help her for a few hours a day, every day, because it was essential that she have that care. He lied to his wife. His wife died believing that the government was paying for this vital care. In fact, the government was not paying for this vital care. He was little by little cashing in his not-very-extensive savings to pay for this care. She died believing that her country was doing well by her. He knew better, and his friends knew better.

I really cannot think of a body more appropriate than this Senate to continue paying the attention that Senator Carstairs and her fellow members of the subcommittee pioneered here some years ago now, and that Senator Carstairs worked so hard to advance when she was a member of a previous government.

This motion is quite simple. It is just a motion. It cannot oblige anybody to do anything, but it can put on the record that we do urge the present government — I am reading it here because the words are important —

> ...to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and...

— most important —

> ...meets the needs of Canadians.

Our population is aging. Over the years coming soon, the proportion of our population needing that care will only grow in relation to the proportion of the population available to provide that care. We know that it is no longer true that families can drop everything to look after their relatives, and even if they could, most families are not capable of providing the medical assistance that can make such a difference at the end of life.

I would urge honourable senators to support this motion from Senator Carstairs.

On motion of Senator Keon, debate adjourned.

FISHING INDUSTRY IN NUNAVUT

INQUIRY—DEBATE ADJOURNED

Hon. Willie Adams rose pursuant to notice of June 13, 2006:

> That he will call the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.

The Hon. the Speaker *pro tempore*: Honourable senators, according to the Order Paper, Senator Adams is supposed to speak at the next sitting of the Senate. Is it agreed that Senator Adams speak today?

Hon. Senators: Agreed.

Senator Adams: Thank you, honourable senators. I shall do my best on my inquiry with respect to the future fishery at Nunavut.

Beginning with a land claim in 1993, we started getting quotas in the Nunavut in area OA and OB. In the last five or six years, as we know, there is an award from the Fisheries Minister in Ottawa every year.

My estimate for the worth of the 8,000 tonnes of fish in Nunavut for a year is about $20 million to $30 million per year.

Today in the fishery, Canadians or foreigners have negotiated quotas every year between the Nunavut Wildlife Management Board and the DFO for 8,000 tonnes. Today, up to 75 per cent of the quotas have been caught by foreigners.

Inuit are interested to get into par with that fishery. Today, they only have 25 per cent. I will explain other things about long trawlers or small hook and lining. We had a meeting last February in Iqaluit with representatives of the DFO department and the community. The Inuit are really concerned about the future, that is, how long will we catch long-term 8,000 tonnes a year for the Nunavut area.

• (1620)

What is happening in Nunavut happened in Newfoundland — I do not know how many years ago — with the cod. Inuit today should be concerned. We may do better in the future, in the the long term. For now, there is a quota of 8,000 metric tonnes a year in the Nunavut area.

It would be nice to have a choice between hook and line or gill net for the fishers. Because of temperatures, especially in the Nunavut area, where the fish come and go every year, working with percentages is difficult for us.

In the meantime, we have questions for DFO. Research in the area of Davis Strait, the OA and OB areas, last year, showed water temperatures of the up to minus 1. We asked what area the turbot spawned in every year, but DFO could not find it.

The government came up with a policy about three years ago. After a study of the future of fishing turbot in the Nunavut area, they came up with a policy to ban foreigners. At a meeting last February, the DFO did not have any plan for banning foreigners from catching fish along the Nunavut coast or in the bay. That is the only way foreigners can get up there to drag for fish and particularly turbot.

At that time, people from the organization, Nunavut Wildlife, did not have any equipment to collect 8,000 metric tonnes. A request went down to Nova Scotia and Newfoundland, and we ended up with 11 Canadian anchors to fish for the 8000 metric tonnes to help Inuit people in the community. Somehow, the foreigners got a flag from down in St. John's, Newfoundland or Halifax, and they have been going up there since 2003. At that time we settled a land claim, we thought we would be able take part in the future of our economy.

Today we investment between Canada and the fishery. People in the community like to have partners with people from Canada, the fishermen.

If up to 75 per cent of fish are landed in Greenland, what is the investment for our people in the community? If they landed the fish in Canada, at least we would have support from some of the partners who have invested with us in the fishing. Today there is none.

Earlier I mentioned about a dragging. For the fish I mentioned earlier, I think we are allowed to catch up to 58 centimetres. That is the type of policy we need to be able to catch the fish in OA and OB. DFO was to set the standard at 58 centimetres. That was to be the policy.

We have had people working and coming up for 10 or 15 years. People have been telling us about the fish they get by dragging.

Inuit like to use hooking and gill netting because, according to some of the fishermen, we get a better price than for the dragging. That is the type of thing the Inuit are concerned about.

In 1993, we settled a land claim, but today we are concerned. At the time of this land claim, and being part of Canada, we supported fishing as a business, commercial or any type. We settled the land claim with hopes for creating summer jobs in the community. Today, since the beginning of that land claim, employment in the community is up 85 per cent.

I went up to Burton Island a couple of years ago to see how they were making out with the ice fishing, going out up to 106 kilometres by Ski-Doo. Inuit people know how to fish up there and survive. Today we are looking at around $30 million from fishing. We are looking to the future. Part of the income, that money, should be going to support people in the community.

The fishing season up there is only eight months because of cold weather and ice. If you work for the company for three or four months, sometimes you are able to collect UI in the winter time.

If we gave up our 75 per cent to foreigners every year and not to Canadians, which is very typical, you might be able to collect UI depending on how long you work for the company.

With the land claim agreement set up by Nunavut and the federal government, an investment company, construction or any type of investment, anything that provides jobs, must be owned by 51 per cent of the people living in the community. Today, in the fishery, it does not work that way.

I think in the future, with people in the community involved some part of the money will stay in the community. There was a study to settle a land claim about three or four years ago, in connection with the Industry Department. Nunavut at that time was promoting it. It was going to be called the capital: Nunavut. The government spent over $200,000 million to build up-to-date buildings.

• (1630)

At that time we found out how much, percentage-wise and money-wise, the departments spent up there. Less than 25 per cent stayed in the community. Over 75 per cent of the people who work up there bring the money back down South. That is why we want a policy for the people of the community. The fisheries and businesses should be owned 51 per cent by members of the community. That way, the people who live in our community will benefit.

In the future, this issue should be addressed at the committee, perhaps early in the fall. I want to explain more about the economic future of Nunavut, especially with regard to mining and oil and gas. We must work together in the Senate to ensure better jobs in the community.

Following the land claim settlement in 1953, we have studied how many Inuit people in Nunavut have jobs. Less than 45 per cent of the Inuit today have a job. Over 65 per cent of the workers are from other parts of Canada, taking jobs from people in the community. We need to look into this situation. That is why we settled the land claim; we wanted more control. Today, however, that is not the case.

The Inuit people would like to see more policy between the departments, especially in Ottawa. Job applications coming out today in Nunavut, in the newspapers and on the radio, require that the applicant understand English, Inuktitut and French. In the Arctic before the land claims settlement, we did not have a policy to learn French. Today, however, it is a different story.

The Hon. the Speaker *pro tempore*: I am sorry to interrupt you, senator, but your time is up. Are you asking for more time?

Senator Adams: Thank you.

Senator Prud'homme: Do you want five more minutes?

Senator Adams: Yes, if possible.

Senator Prud'homme: Agreed.

Senator LeBreton: One more minute.

Senator Adams: Finally, I want to thank the honourable senators who reminded me that we are all Canadians trying to do our best and working together for the future of the people in the community.

At the beginning of my speech, I was talking about 8,000 metric tonnes in turbot fishing. We did not have the type of equipment that people today have. Today, we are concerned that we can only succeed in partnership with Canadians on the East Coast, who are more familiar with commercial fishing.

In the meantime, we have one fish plant in Nunavut, in Pangnirtung. It is typical; we process only 200 metric tonnes. We have 40 employees at the fish plant, mostly women. Their husbands are out fishing while the women work at the fish plant.

We have a policy agreement with the Department of Fisheries and Oceans. Last year, perhaps due to climate change, about 60 miles offshore, in water as deep as 3,000 metres, we lost people and equipment. Huts and snow machines drifted away on the ice. We do not have insurance policies that cover people who fish on the ice. That is the type of situation we have today when we try to fish in Nunavut. This is what will happen in Nunavut in the future. Thank you for listening to me, honourable senators.

Hon. Bill Rompkey: Honourable senators, I know that the hour is late, but I want to add a few words to those of Senator Adams because he is my northern neighbour and we experience some of the same problems. I wish to say a few brief words in support of the honourable senator.

First, I wish to assure him that the Fisheries Committee will visit him. Senator Comeau made the suggestion last night. It is a good suggestion and one that we will follow up on. When we visit the East Coast next fall, we will then move north. That is an initiative we can help with.

The honourable senator is right when he talks about the foreigners, as opposed to local people. What he means by that, I think, are the Greenlanders and others, people in Europe who have the technology and the access to market, who are catching the quota and selling it. We have also had this problem on the Labrador coast. We are undercapitalized. We do not have access to boats, equipment and markets. That is something we all must wrestle with.

The honourable senator talked about initiatives that were taken within Canada, and he is right. Through an initiative he took, there is an example of cooperation between Nunavut and Newfoundland and Labrador. An initiative is taking place now whereby a Nunavut boat is being used, crewed by people from both Nunavut and Labrador, and the fish is being landed in the Newfoundland and Labrador plant. Some of that is going on, but that is still only 25 per cent of the quota. We are talking about people who were here before any of us. We are talking about people who, all their lives, lived on the sea, from the sea, close to the sea, and who today do not have access to it.

The honourable senator mentioned a number of other issues, such as trawlers versus hook and line. We can look into all these issues.

The honourable senator also talked about the land claims agreement. I am not terribly familiar with the Nunavut Land Claims Agreement, but I do know the Labrador Inuit Land Claims Agreement and I suspect that the government of Nunavut now has a clause in that agreement whereby there is cooperation with the federal government and the Department of Fisheries and Oceans in the fisheries area. That must be worked out, because it is not simply a question of the federal government taking action here; it is a question of the federal government taking action in cooperation with the government of Nunavut. We must also look at that.

The question that Senator Adams talks about, namely, the foreigners in the fishery, is something that we all experience and something that we have talked about. That situation is an absentee ownership: the fact that people other than Canadians own licences and are accessing the quotas. The minister, to give him his due, recently identified that as a problem and agreed that he had to take action on that. We had the minister before the Fisheries Committee recently. We raised that issue with him and he agreed that it was a serious issue and one that he wanted to take action on. This question of absentee ownership is not simply a Nunavut question; it is a question for others as well.

The honourable senator talked about the lack of science and not knowing what fish were out there and the state of the fishery. We have to come to grips with that.

• (1640)

The Department of Fisheries and Oceans has been underfunded in the area of science and research. That situation must be corrected. We must have the public funds to research what is out there. There are capable people, but at the moment they do not have the tools to do the job. They need those tools.

These issues must be addressed. I wanted to speak briefly to support Senator Adams. I know that the members of the Fisheries Committee will want to examine this situation more carefully in the fall.

After we have a chance to do that I hope all honourable senators will support the committee in its recommendations.

On motion of Senator Fraser, debate adjourned.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 20, 2006, at 2 p.m.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, June 20, 2006, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been ***completed****)*

(1st Session, 39th Parliament)

Thursday, June 15, 2006

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25							
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance					
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0			

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05							
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1			
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0			
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

CONTENTS

Thursday, June 15, 2006

PAGE

SENATORS' STATEMENTS

Canadian Stroke Strategy
Hon. Wilbert J. Keon . . . 528

Expanding the Dialogue — Preventing the Use of Children as Soldiers
Hon. Roméo Antonius Dallaire . . . 528

Visitors in the Gallery
The Hon. the Speaker *pro tempore* . . . 529

Farm Income
Hon. Hugh Segal . . . 529

Comments of Minister of Justice on Crime Rates
Hon. Larry W. Campbell . . . 529

Role of Religions and Human Rights Conference
Hon. Claudette Tardif . . . 530

ROUTINE PROCEEDINGS

Agricultural Marketing Programs Act (Bill C-15)
Bill to Amend—Report of Committee.
Hon. Joyce Fairbairn . . . 530

Statutes Repeal Bill (Bill S-202)
Report of Committee.
Hon. Donald H. Oliver . . . 530

State Immunity Act
Criminal Code (Bill S-218)
Bill to Amend—First Reading.
Hon. David Tkachuk . . . 531

QUESTION PERIOD

Public Works and Government Services
Acquisition of JDS Uniphase Building.
Hon. David P. Smith . . . 531
Hon. Michael Fortier . . . 531

Distinguished Visitor in the Gallery
The Hon. the Speaker *pro tempore* . . . 531

Agriculture and Agri-food
Canadian Wheat Board—Possibility of Effecting Dual Marketing.
Hon. Daniel Hays . . . 531
Hon. Marjory LeBreton . . . 532
Canadian Wheat Board—Future Funding.
Hon. Daniel Hays . . . 532
Hon. Marjory LeBreton . . . 532

The Environment
Kyoto Protocol—Quebec's Stance.
Hon. Francis Fox . . . 532
Hon. Marjory LeBreton . . . 532

PAGE

Kyoto Protocol—Alternative Program.
Hon. Francis Fox . . . 533
Hon. Michael Fortier . . . 533

Indian Affairs and Northern Development
First Ministers Conference on Aboriginal Issues—Funding of Initiatives.
Hon. Robert W. Peterson . . . 533
Hon. Marjory LeBreton . . . 533

The Cabinet
Representation of Prince Edward Island.
Hon. Catherine S. Callbeck . . . 534
Hon. Marjory LeBreton . . . 534

Public Works and Government Services
Kyoto Protocol—Quebec's Stance—Recognition of Initiatives Between Governments.
Hon. Joan Fraser . . . 534
Hon. Michael Fortier . . . 534

Human Resources and Social Development
Status of Literacy Programs.
Hon. Fernand Robichaud . . . 535
Hon. Marjory LeBreton . . . 535

National Security and Defence
Request for Responses to Correspondence of Committee.
Hon. Colin Kenny . . . 535
Hon. Marjory LeBreton . . . 535

ORDERS OF THE DAY

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Continued.
Hon. Grant Mitchell . . . 535
Hon. Pierrette Ringuette . . . 537
Hon. Gerald J. Comeau . . . 537

National Capital Act (Bill S-210)
Bill to Amend—Second Reading—Debate Continued.
Hon. Pierre De Bané . . . 538
Hon. Jack Austin . . . 540

First Nations Government Recognition Bill (Bill S-216)
Second Reading—Debate Adjourned.
Hon. Gerry St. Germain . . . 540
Hon. Aurélien Gill . . . 545
Hon. Gerald J. Comeau . . . 546
Hon. Jack Austin . . . 546

Criminal Code (Bill S-207)
Bill to Amend—Second Reading—Order Stands.
Hon. Gerald J. Comeau . . . 547
Hon. Roméo Antonius Dallaire . . . 547

Personal Watercraft Bill (Bill S-209)
Second Reading—Debate Continued.
Hon. Gerald J. Comeau . . . 547

Internal Economy, Budgets and Administration
Third Report of Committee Adopted.
Hon. Joan Cook . . . 547

PAGE

Funding for Treatment of Autism
Inquiry—Debate Continued.
Hon. Consiglio Di Nino 547
Hon. Wilbert J. Keon 548

Health
Motion Urging Government to Provide Long-term End-of-life Care—Debate Continued.
Hon. Joan Fraser 549

PAGE

Fishing Industry in Nunavut
Inquiry—Debate Adjourned.
Hon. Willie Adams 549
Hon. Bill Rompkey 551

Adjournment
Hon. Gerald J. Comeau 552
The Hon. the Speaker 552

Progress of Legislation i

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

A1
/1
D32

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 25

OFFICIAL REPORT
(HANSARD)

Tuesday, June 20, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, June 20, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a distinguished delegation from Bulgaria, Ms. Karmella Kassabova, Deputy Chair of the National Assembly of the Republic of Bulgaria and Chair of the Bulgarian — Canadian Parliamentarian Friendship Group and Ms. Gergana Grancharova, Deputy Minister of Foreign Affairs.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

SENATORS' STATEMENTS

LA SOCIÉTÉ NATIONALE DE L'ACADIE

ONE HUNDRED TWENTY-FIFTH ANNIVERSARY

Hon. Rose-Marie Losier-Cool: Honourable senators, if you do not have plans for July 20 to 23, I invite you to come home with me to New Brunswick, to Memramcook to be exact, to celebrate the 125th anniversary of the founding of the Société Nationale de l'Acadie.

It was in 1881, in Memramcook, that 5,000 Acadians held their first convention and created what was then called Société Nationale l'Assomption, and declared August 15 the Acadian national holiday. From 1881 to 1955, the SNA held 11 conventions.

In 1884, at the second convention, in Miscouche, Prince Edward Island, the SNA chose its flag. It is the tri-coloured French flag adorned with the golden Stella Maris in the blue band. That same year, the SNA also adopted the Acadian national anthem, *Ave Maris Stella*, the only anthem, to my knowledge, that is still sung in Latin.

At these conventions, the Acadians not only created their symbols, but also gave themselves something even more important and that is a vision for education, the key to their future. The Acadian people have their own school systems, schools, colleges and a university, in Moncton, not to mention the current scholarship programs with France and the Communauté Wallonie-Bruxelles. This francophone education network was and continues to be the source of our economic prosperity, our political power and our vitality.

In 1957, at the twelfth convention, in Memramcook, the Société Nationale l'Assomption became the Société Nationale des Acadiens and it established a partnership to serve New Brunswick, Nova Scotia and Prince Edward Island. In 1986, the francophones of Newfoundland and Labrador joined the SNA and in 1992, the organization adopted its current name, the Société Nationale de l'Acadie.

The SNA, today chaired by Michel Cyr, is an umbrella for Acadia promotion organizations in New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, the Magdalen Islands, Saint-Pierre and Miquelon, Louisiana and Paris. The SNA also has observer status at the International Organisation of the Francophonie.

Since there is no shortage of reasons to celebrate, honourable senators, I hope you will join me in wishing the Société Nationale de l'Acadie a very happy 125th anniversary and a very long life.

[*English*]

SOUTH AFRICA

THIRTIETH ANNIVERSARY OF SOWETO UPRISING

Hon. Donald H. Oliver: Honourable senators, last weekend people from around the world paused in remembrance of the murder of 13-year-old Hector Pieterson, killed by police in Soweto, South Africa in the unarmed demonstration by young students 30 years ago.

Last Friday, President Mbeki led hundreds of South Africans through the streets of the Black township of Soweto, retracing the steps of student protestors who galvanized the anti-apartheid struggle 30 years ago.

Honourable senators, I was in Soweto a month ago and visited the monument built in memory of Hector Pieterson. It was a sad, but moving experience. The death of Hector Pieterson came to symbolize the sacrifices of young people in the fight for South Africa's democracy and freedom.

Honourable senators, the significance of this event culminated for me when I attended, as an election observer, the first ever democratic elections that saw Nelson Mandela become the President of South Africa in 1994. It was a day and an experience I shall never forget.

More than 500 young people were estimated to have been killed in the Soweto uprising and its bloody aftermath. Thousands of others disappeared into detention or fled the country. Honourable senators will recall that the uprising started as a student protest against being taught in Afrikaans, the language of White oppressors, which few among the Black majority could

understand. When the students started to march to voice their concerns, the South African White police responded with brutal force, and news of the killings and the riots unleashed across the country awakened the world to the government's violence.

The courage of the students drew other South Africans into the struggle. Unfortunately, the "Liberation before Education" spirit of the protest had lasting, destructive consequences, leaving much of the generation of Black South Africans without the skills to fully participate in the inclusive society that emerged after the first all-race elections of 1994. Today, poverty, AIDS and the consequences of decades of racist policies threaten young Blacks.

• (1410)

Honourable senators, President Mbeki, who was in Ottawa three years ago, said the following over the weekend:

> This day, National Youth Day, is a moment of thanksgiving dedicated to the young people of our country for the contribution they made to free South Africa from the tyranny of apartheid.

Honourable senators, may democracy, equality and freedom continue to reign in South Africa and throughout the world.

[*Translation*]

SAINT-JEAN-BAPTISTE CELEBRATIONS

Hon. Lucie Pépin: Honourable senators, on June 24, Canada's francophones and francophiles will celebrate Saint-Jean-Baptiste Day.

In Quebec, this year's festivities will focus on Quebec cinema. This choice pays tribute to the members of Quebec's film community. Thanks to their combined talents, film in Quebec has become a successful industry.

These directors, screenwriters, actors, producers and technicians have succeeded in making film in Quebec a mode of expression that reflects our values, our history, our love for our language, our hopes and our doubts. They have created magnificent works that, for the most part, have prompted us to take a close look at those around us.

The outstanding work done by these creative artists has brought the industry to maturity. The time when theatre managers balked at showing Quebec films is long past. Quebec, along with France and the Scandinavian countries, is one of the rare societies on earth where domestic films can compete with American blockbusters.

Moreover, Quebec films enjoy a good reputation on the international market, where they achieved unequalled success in 2005. When Quebec films are screened around the world, others see the diversity of Canadian culture.

In an environment dominated by the big Hollywood machine, our gifted filmmakers have won appreciation for another type of cinema, not just the one driven by commercial motives. This auteur cinema that we are so proud of needs more government support so that it can develop. I hope that the meeting scheduled for tomorrow between the Minister of Canadian Heritage and a coalition of producers, directors, distributors and actors will lead to solutions to this underfunding problem.

Honourable senators, I invite you to spend Saint-Jean-Baptiste Day in joy and celebration. I am certain that, if you have not already done so, you will be sure to discover Quebec films, which mirror the difference between Quebec and Canadian culture.

[*English*]

HUMAN TRAFFICKING

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak to the unsavoury side of the World Cup. On Friday, June 9, the world came together for what is known as the "World's Biggest Party," the World Cup, in Germany. While tens of millions have rallied together to celebrate soccer, national pride and international sportsmanship, an estimated 40,000 women have been trafficked into the city of Cologne for the month-long tournament. These women will be far from celebrating.

While nearly 100,000 women and young girls are trafficked into Europe each year, Germany has done little to alter its policy of legalized prostitution. Instead, it has subsidized new brothels to keep visitors entertained for the duration of the tournament. Over the last few years I attended several conferences in Europe, all of which focused on the growing presence of human trafficking. It was at these conferences that numerous participants aired their concern for the worldwide prevalence of human trafficking and its looming effects on the World Cup. Words cannot convey the inhumanity present in a witnesses' testimony of what was described to me as "warehouses stocked full of women and young girls."

Honourable senators, on July 2, 2003, Canada was granted the honour of hosting the Twenty-first Winter Olympic Games in Vancouver. Like the World Cup, the Olympics place the host country on an international stage for the entire world to experience. This is an ideal opportunity to again showcase to the world the strength and freedom that defines Canada.

Though four years remain until the commencement of the 2010 Winter Games, there is already an international concern that Vancouver will become a magnet for women and young girls forced into prostitution by organized crime. This fear continues to evolve into a reality as just last week, six Korean women were found outside Vancouver, waiting to be the latest victims of human trafficking.

• (1415)

In a recent study on the international treatment of human trafficking victims, Canada was the only nation to receive a failing grade, stating:

> Canada's record of dealing with trafficking victims is an international embarrassment and contrary to best practices.

The report continues:

> Canada has ignored calls for reform and continues to re-traumatize trafficking victims, with few exceptions.

Last October, I introduced Bill C-49 in the Senate. This bill criminalized human trafficking, resulting in Canada's first step in taking a stand against human trafficking. As a global example of strength and freedom, the time has come for Canada to spread a sense of urgency and fulfil its obligations in preparing for the international spotlight.

Honourable senators, please join me in celebrating the World Cup, but I graciously ask this: Please save a place in your hearts for the lives of those women and young girls so unjustly dispossessed of their dignity.

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

CONGRATULATIONS TO THE HONOURABLE DANIEL HAYS AND THE HONOURABLE DONALD H. OLIVER ON THEIR APPOINTMENTS AS HONORARY CHAIRS

Hon. Marie-P. Poulin: Honourable senators, it is with great pleasure that I inform you that members of the executive committee of the Canada-Japan Interparliamentary Group, at their meeting of Thursday, June 15, 2006, agreed unanimously to recommend the appointment of the Honourable Don Oliver and the Honourable Dan Hays as honorary chairs of the Canada-Japan Interparliamentary Group.

Both Senator Oliver and Senator Hays have a long association with the Canada-Japan Interparliamentary Group and both have been strong proponents of closer ties between Canada and Japan.

[*Translation*]

Honourable senators, Senator Hays is one of only two Canadians to be awarded the Grand Cordon of the Order of the Sacred Treasure by the Emperor of Japan. Senator Hays chaired the Canada-Japan Inter-Parliamentary Group from 1994 to 1995, and Senator Oliver chaired the Group from 1993 to 1994.

[*English*]

I invite you all to join me in congratulating our two colleagues for their well-deserved nominations.

[*Translation*]

ROUTINE PROCEEDINGS

SENATE ETHICS OFFICER

2005-06 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2005-06 Annual Report of the Senate Ethics Officer, pursuant to section 20.7(1) of the Parliament of Canada Act.

[*English*]

PRIVACY COMMISSIONER

2005-06 ANNUAL REPORT ON PRIVACY ACT TABLED

The Hon. the Speaker: Honourable senators, I also have the honour to table, in both official languages, the annual report of the Privacy Commissioner of Canada on the Privacy Act covering the period April 1, 2005 to March 31, 2006.

BUDGET IMPLEMENTATION BILL

REPORT OF COMMITTEE

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, June 20, 2006

The Standing Senate Committee on National Finance has the honour to present its

THIRD REPORT

Your Committee, to which was referred Bill C-13, An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006, has, in obedience to the Order of Reference of Tuesday, June 13, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Day, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1420)

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO MOZAMBIQUE AND SOUTH AFRICA, MARCH 21-24, 2006—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation to the Canada-Africa Parliamentary Association respecting the bilateral visit to Mozambique and South Africa; Maputo, Mozambique, March 21-23, 2006, and Cape Town, South Africa, March 24, 2006.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

CAN/AM BORDER TRADE ALLIANCE CONFERENCE, APRIL 30-MAY 2, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canada-United States Inter-Parliamentary Group entitled *The Canadian/U.S. Border: A Unified Focus CAN/AM Border Trade Alliance*, held in Ottawa, Ontario, April 30 to May 2, 2006.

[*Translation*]

THE SENATE

NOTICE OF MOTION TO STRIKE SPECIAL COMMITTEE ON SENATE REFORM

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That a Special Senate Committee be appointed to undertake a comprehensive review of the Senate Reform or any other matter referred to it by the Senate;
>
> That, notwithstanding rule 85(1)(b), the Special Committee comprise ten members namely the Honourable Senators Adams, Austin, P.C., Bacon, Baker, P.C., Banks, Biron, Andreychuk, Angus, Carney, P.C. and Murray, P.C., and that four members constitute a quorum;
>
> That, pursuant to Rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;
>
> That the committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the committee;
>
> That the Committee have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills and subject-matters of bills as are referred to it;
>
> That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and
>
> That the Committee submit its final report no later than September 28, 2006.

[*English*]

Hon. Marcel Prud'homme: I would have suggested Senator Murray, and I am glad he will sit on that committee. It would have been highly appreciated by the senators who are not aligned — and I can see them here — to have known about that the motion, even though, at the end of the day, I would have suggested with great pleasure the very senior Senator Murray. When things of that kind are about to take place, it would not be a bad idea for the non-aligned senators to be informed. I was told once, rudely by someone who is yelling at the moment, "If you do not like it, just join a party." Well, we are non-aligned senators and we will join a party if we want to, when we decide to.

However, I am happy with the nomination. I find myself comfortable with the fact that Senator Murray will be part of this group. Again, it would have been a good touch if the others had known about it.

• (1425)

Hon. Anne C. Cools: Honourable senators, I understand this is a debatable motion. Is it a notice? Will it be debated tomorrow?

The Hon. the Speaker: Yes.

Senator Cools: Is it a one-day notice?

The Hon. the Speaker: Yes.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

FRAMEWORK FOR PROCURING INFORMATION AND COMMUNICATIONS TECHNOLOGY

Hon. Daniel Hays (Leader of the Opposition) Honourable senators, today I have a question for the Minister of Public Works and Government Services. The honourable senator will have noted in the media a statement from the Canadian Advanced Technology Alliance through the person of its President, John Reid. Mr. Reid indicated that CATA has been working with Public Works and Government Services Canada on the development of a process for tendering or determining who will provide services, software and other related materials to Canada through PWGSC. He advises that the process has been ongoing for 18 months and crosses over the previous government and the new government.

Mr. Reid has a grievance, which is that the work of the consultative group that is trying to reach a consensus on the best processes to serve Canada and the Government of Canada has been ignored and that a third-party study on strategic sourcing has been given notice of and tabled. The work that the group has done with Public Works and Government Services Canada has not been carried through in the way the group thought it would be, based upon the consultations.

Can the minister advise us what is behind the decision, as Mr. Reid says, to ignore the work over the past 18 months on a framework for making decisions on procurement in the information and communications technology area?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I wish to thank the honourable senator for the question. Several processes are currently taking place in Public Works and Government Services Canada with respect to procurement, and, as honourable senators are now aware, with respect to real estate.

I am not aware of this particular process. I apologize, but I will find out and report back to the honourable senator, if that is acceptable. However, at this point, I would be guessing at the answer.

Senator Hays: I thank the minister and accept that he wishes to be informed. Perhaps we can return to this area as early as tomorrow.

While I have the floor and we are on the subject, I draw to all honourable senators' attention the importance of this area to the Canadian economy. The information communication technology sector, or ICT, Mr. Reid reminds us, is responsible for some 550,000 jobs; it has a three-time multiplier effect for each job, so job losses are critical. It produces $130 billion in revenue, $5.2 billion in research and development, $18.7 billion in exports and $10.8 billion in capital expenditures. The thrust, Mr. Minister, is that Canada, like other countries with which we compete, needs an industrial strategy in this area. The Canadian Advanced Technology Alliance is happy to have been engaged in this process but is disappointed that it has not produced the desired results. Accordingly, we are, perhaps, missing an opportunity for an industrial strategy in this important area. With that notice, I hope we can return to this subject tomorrow.

Senator Fortier: Clearly, this is an important area for Canadian industry. It is important also for us as a client to such suppliers, whether it is information technology or telecommunications. In those two industries, we spend over $1 billion.

• (1430)

Therefore, I want to reassure the honourable senator that the procurement strategies in place currently are, in my opinion and in the opinion of the department, fair, transparent and open. We obviously are buying mostly Canadian technology and from Canadian suppliers. However, I will find out about what the honourable senator raised in his first question.

DISTRIBUTION OF REAL ESTATE IN OTTAWA-GATINEAU REGION

Hon. Jack Austin: Honourable senators, my question is for the same minister. I was interested to hear his last statement that the systems being used in his department are fair, transparent and open. That means he is using the systems put there by the previous government.

I would like to ask the minister a question with respect to the National Capital Region. On May 9, Senator Fox addressed a question to the minister regarding the policy of previous governments to maintain a 75/25 ratio in the distribution of federal real estate assets in employment between the Ottawa side and the Hull-Gatineau side. The minister replied that the current ratio was 77/23 and also said:

> ...I hope that by the end of my time in Public Works I will have succeeded in shrinking the current gap.

Could the minister give us the time frame within which he is working to achieve that objective?

Hon. Michael Fortier (Minister of Public Works and Government Services): With respect to fairness, openness and transparency, I would like to think of Public Works as a department that works for all Canadians. I have looked at this brief and this work that I am doing on behalf of the government in a bipartisan way as much I can. I have spoken with my critics. Perhaps I am naïve, but I look at this department as being essential to running Ottawa in the sense of providing services to other departments. At the end of the day, it is important to be fair, open and transparent. That is all I will say on that subject.

With respect to the 75/25 ratio, as I indicated to Senator Fox, the issue is significant because of the denominator. In order to move the needle back to 75/25, there needs to be some considerable move towards the Gatineau side of the river. It is my intention to continue to work towards that objective. I wish I could tell honourable senators that I did it yesterday, but unfortunately it will take some time. Hopefully I will still be around when that is achieved.

Senator Fraser: In the Senate?

LOCATION OF MUSEUM OF SCIENCE AND TECHNOLOGY

Hon. Jack Austin: On May 10, Senator Fox noted that the JDS Uniphase complex on the Ottawa side might be acquired without public tender, which would have had the consequence of further imbalancing the ratio quite substantially.

I noticed that federal Transport Minister Lawrence Cannon had promised his constituents in the Outaouais Region of Quebec that he would deliver a new museum of science and technology, along with hundreds of millions of dollars to be spent on that project, and of course hundreds of jobs.

As the current museum has been in its present location since 1967 — the previous use of that building I believe was a bakery — would it not be a win-win situation for Minister Fortier and Minister Cannon if they proceeded with this project? I wish to ask the minister whether he is considering proceeding with the project. Has any funding been given towards the planning of that project?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Minister Cannon has spoken about the museum. The honourable senator is quite right; it is located on St. Laurent Boulevard. It was a bakery. It helps to have lived in Ottawa all your life. At the present time there are no plans to relocate that particular museum.

• (1435)

Senator Austin: That will help Senator Fortier with his agenda of rebalancing the ratios.

CREATION OF NATIONAL CAPITAL REGION

Hon. Jack Austin: Honourable senators, to help Senator Fortier out, there has been a debate for some long time in this community about the way in which the National Capital Region can be organized. In the past there have been suggestions that the Province of Quebec, along with the Province of Ontario and

the federal government could constitute a legislative national capital region to which real estate and other properties from the Quebec side and the Ontario side could be dedicated to a trilateral commission.

Does the minister support that idea and will he work toward it, particularly since official bilingualism would be one aspect included in such an entity?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I cannot speak to that specific suggestion as I am not aware of its details.

I will work toward getting the real estate imbalance back to a balanced level. We will find ways to do that. I made an announcement last week with respect to the real estate study and the advice we are seeking from third parties. As we said in the RFP, the National Capital Region has an acute need for additional real estate space to house our employees. One solution out of all this could be that there will be additional space on the Quebec side of the river.

OFFICIAL LANGUAGES

BILINGUALISM IN OTTAWA REGION

Hon. Jack Austin: Honourable senators, would the minister agree to work toward a policy of official bilingualism in the National Capital Region?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, as the first fluently bilingual francophone Minister of Public Works and Government Services in quite some time, I am obviously in favour of bilingualism. Commissioner Adam's report was quite negative on how the department has conducted business over the past several years. As a result I have instructed my department to do whatever is necessary to get a better report card next year. I am all in favour of more bilingualism.

In terms of whether the Ottawa region should be designated this or that, that is a debate that should be had with another person.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT— PROGRESS OF NEGOTIATIONS

Hon. Jack Austin: Honourable senators, my question is for the Leader of the Government in the Senate with respect to softwood lumber.

The Minister of International Trade, Mr. Emerson, is reported as having said there is no likelihood of an agreement being reached before Parliament rises in this particular part of the session. Therefore, it is clear that negotiations have stalled.

Can the Leader of the Government enlighten us as to the area of disagreement in these negotiations between Canada and the United States?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the talks have not stalled, they are continuing. As the honourable senator is from British Columbia and since he is a former cabinet minister, he would know that this is a very detailed process. Canada is working with all of the stakeholders in the United States to finalize the text of the agreement.

In that regard, I refer the honourable senator to comments made by the British Columbia Minister of Forests and Range, Mr. Rich Coleman, who said, as reported in today's *Vancouver Sun*, that negotiations are ongoing. He also expressed confidence that they will reach a successful end.

Senator Austin: Honourable senators, the Leader of the Government will also have noticed in the statement that Minister Coleman announced with respect to the beetle-damaged wood in British Columbia that there is a disagreement between British Columbia and the negotiators for the American side, with British Columbia having accepted an earlier American position that this wood should be priced according to market.

The story says that the American side is not prepared to accept market pricing for B.C. wood, but that they are prepared to negotiate levels that protect American producers. There is no free market. If that turns out to be something acceptable to the Government of Canada, the result would be control of the B.C. forest industry policy by the lumber producers' so-called fair trade group in the United States.

• (1440)

Can the minister assure us that B.C. will retain control over its forest policies according to market-based principles?

Senator LeBreton: I heard the word "if" in the honourable senator's question. I will not attempt to answer a hypothetical question. I will refer the question to Minister Emerson and respond via a delayed answer.

[*Translation*]

OFFICIAL LANGUAGES COMMISSIONER

APPOINTMENT OF REPLACEMENT

Hon. Claudette Tardif: Honourable senators, my question is for the Leader of the Government in the Senate. The current Commissioner of Official Languages' term expires at the end of July. We still do not know who will replace Ms. Adam. This is worrying. According to the President of the Fédération des communautés francophones et acadienne, Jean-Guy Rioux, this is, and I quote:

> ...an urgent matter, and very troubling. There must not be any lack of continuity with these issues.

Can the minister tell us whether the government will respect the Official Languages Act by introducing a motion in the House of Commons and the Senate to confirm the appointment of a new Commissioner?

Some Hon. Senators: Hear, hear!

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, there is no doubt about the support of this government for the Official Languages Act. I am confident that the position to which Senator Tardif referred will be filled at an appropriate time. This government would not do anything to cause difficulty for a new commissioner. As honourable senators know, the act is fully supported by this government and, first and foremost, by the Prime Minister.

[*Translation*]

Senator Tardif: Thank you, minister. There is some urgency, however, given all of the changes following Bill S-3. The government must name a Commissioner of Official Languages as soon as possible. There are only a few weeks left.

Can the minister tell us whether this appointment will happen before we break for the summer? If not, why not?

[*English*]

Senator LeBreton: Honourable senators, Bill S-3 was important legislation that was brought before this chamber in the last Parliament. It received support from both sides of the chamber, including the Conservative party, which was then in opposition.

I will make inquiries about the status of the appointments process. Having been in that position at one time myself, as was Senator Downe, I know that the consultation process can take time. I will consult with those people responsible and determine, hopefully before we rise for the summer, when we can expect someone to be named.

Hon. Marcel Prud'homme: Honourable senators, if an appointment is made soon, is it possible for the appointee to appear on the floor of the Senate, as has previously occurred? The good suggestion was made by our current Speaker to have officers of Parliament appear before us to satisfy ourselves that the person chosen is of top quality. It would be good for the Senate to have the opportunity to meet and question the person chosen.

Senator LeBreton: I totally agree with the honourable senator. The practice of having officers of Parliament appear before a Committee of the Whole in order that the Senate has an opportunity to question them is important. I remember that not long ago this practice was followed with the then Privacy Commissioner.

• (1445)

Senator Prud'homme: I voted against it.

Senator LeBreton: As did I. There were about 17 of us who undertook to vote against that position. It is a very important role. In this particular case, it will depend on when we announce this particular individual and whether that person can appear before we rise for the summer. Suffice it to say that this is a practice we should apply each time we appoint a new person as an officer of Parliament.

[*Translation*]

Hon. Maria Chaput: Honourable senators, this matter is urgent because the term expires at the end of July, and we are worried. The appointment of the next Commissioner of Official Languages has to be approved by the House of Commons and the Senate before the appointee can take over. If we do not receive this person's name until the end of June, and the current Commissioner of Official Languages' term expires at the end of July, is there not a possibility that there would be no commissioner for all of August and maybe even for September when the two Houses resume sitting?

[*English*]

Senator LeBreton: Honourable senator, I will certainly attempt to determine this after our sitting today. I do not think we are in danger of having the position vacant, although I am not sure. I should be careful when I speculate. When I leave this place today, I will certainly determine the status of that particular appointment.

Hon. Percy Downe: Could the minister advise if the government is considering whether to ask the incumbent to stay in office until the government appoints a new commissioner?

Senator LeBreton: Honourable senators, I was questioning in my mind whether this is one of those positions where, in fact, you could ask the incumbent to stay on until a suitable replacement is found. As the honourable senator knows, there are some instances where that procedure is unacceptable. I will take that question as notice and get back to the honourable senator.

PUBLIC SAFETY

FIREARMS CENTRE—REPEAL OF LONG-GUN REGISTRY—LIFETIME LICENSING SYSTEM

Hon. Joan Fraser (Deputy Leader of the Opposition): My question is for the Leader of the Government in the Senate and deals with a subject that concerns all Canadians, even more particularly, Canadian women, and specifically, Montreal women.

The Minister of Public Safety has tabled his proposal in the other place to eliminate the long-gun registry. Of the 176 homicides committed with firearms in Canada in 1995, 61 were committed with non-restricted rifles and shotguns. In 2004, there were 172 gun homicides, including 37 committed with rifles or shotguns. In addition, eight Ontario coroner's inquest juries examining firearm-related deaths recommended gun licensing and registration. The inquest juries did not make the distinction between restricted and non-restricted weapons.

Bearing all of this in mind, can the Leader of the Government in the Senate tell us how allowing the purchase or transfer of these weapons without registration serves Canadians?

Hon. Marjory LeBreton (Leader of the Government): On this particular issue, I have seldom seen an occasion as we have today, when both national newspapers, *The Globe and Mail* and the *National Post*, both congratulated the government for the legislation on the long-gun registry.

The fact is that people who wish to acquire a hunting rifle still must go through the same procedures as before. They still must apply for a licence. The only difference is the registry's attempt to track every long gun in Canada has been ineffective and costly to taxpayers. In addition, as is pointed out in both editorials, the long-gun registry per se has not been a useful tool for the police.

• (1450)

As a woman, I well remember the horrific tragedy in Montreal. I was working in the Prime Minister's office at the time. As a result of that horrific act, the most stringent and tough gun control laws were brought in by the previous government. The long-gun registry was introduced in 1995, I believe. The tough gun laws brought in as a response to the unfortunately named "Montreal massacre" were brought in by the previous government and the then justice minister, the Right Honourable Kim Campbell.

Senator Fraser: With respect, I may be better placed than anyone in this chamber to acknowledge that editorial writers can frequently be wrong.

Some Hon. Senators: Oh, oh!

Senator Fraser: Never is that more likely than when they leap into instantaneous agreement on something. I would take the word of the police who say they want this registry preserved ahead of any editorial writer.

Some Hon. Senators: Hear, hear!

Senator Fraser: The Leader of the Government in her answer reminded us that the gun licensing requirements will still be enforced. However, the government says it wants to move to a lifetime licensing system instead of having licences renewable every five years. That seems to me to be yet another weakening of the control that helps to ensure that inappropriate persons do not have firearms in this country. Could the minister explain how moving to a lifetime licensing system would serve Canadians?

Senator LeBreton: I am glad that the honourable senator acknowledges that editorial writers are not always right. I used to write her many letters when she was an editor and often she did not respond. It is nice to get an acknowledgment at this late date that perhaps she was wrong.

I cannot speak specifically to this idea of a lifetime registration. This government is committed to tough gun control laws. The toughest gun control laws in this country were brought in by the Right Honourable R.B. Bennett, in 1934, and then by the Mulroney government in the early 1990s.

The issue is simply the long-gun registry. All other strict licensing applies. Anyone who has been watching what has been going on in this country will be aware that the crimes being committed are often by guns that have been smuggled into the country illegally. When this issue was before the Senate in the mid-1990s, I asked if it would be better to spend this money on border security and homes for battered women.

This government is taking the whole issue of gun crimes very seriously. That is why in the other place we have introduced legislation for mandatory minimum sentences for crimes committed with a gun.

Senator Fraser: The Conservative Party, when it was not the people now forming the government, used to talk a good line about restoring faith in Parliament and accountability and all those good things in which we all believe.

Last week in the other place, members of the Standing Committee on Public Safety and National Security passed a motion to keep the gun registry in its present form. What does that say about proper respect and the democratic process if the government, within a week, turns around and says, "We do not care what you say, this is what we want to do, anyway"? I do not see how the public interest is being served in all this.

• (1455)

Senator LeBreton: The way to resolve this issue is for Parliament to have a look at the legislation and discuss it with our constituents over the summer. It is clear there are members in all parties that favour the abolition of the long-gun registry — certainly, its abolition is favoured by people that represent rural areas, who deal with farmers and duck hunters.

The best way to deal with the issue of open, democratic accountability is to have a debate in Parliament and a vote on the actual bill. Then we will see a true reflection of the democratic process working in Parliament.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table in the Senate a response to a question raised in the Senate on June 7, 2006, by the Honourable Dan Hays regarding farm income—support programs.

AGRICULTURE AND AGRI-FOOD

FARM INCOME—SUPPORT PROGRAMS

(*Response to question raised by Hon. Daniel Hays on June 7, 2006*)

Senator Hays asked for time lines for several previously announced initiatives coming out of the 2006 Federal Budget, specifically the Enhanced Spring Credit Advance Program (ESCAP), the CAIS Inventory Transition Initiative (CITI) and the Cover Crop Protection Program (CCPP). ESCAP, together with the existing SCAP program, is now in place to provide our producers with increased levels of government-sponsored advances. ESCAP is an interim measure until amendments can be made to the *Agricultural Marketing Programs Act* (AMPA). Bill C-15 has now passed through the House of Commons and we are hopeful that all parties in the Senate will cooperate in order to have it ratified by the end of June.

Federal officials are working to implement the $900 million CITI, which will provide Canadian Agricultural Income Stabilization (CAIS) program participants with a retroactive inventory calculation for the 2003 and 2004 starting this fall and the 2005 program year starting early in the new year. Changes to CAIS to modify the criteria for negative margin coverage for the 2005 and 2006 program years are also included. As soon as the agreement with the provinces is ratified, 2005 CAIS files will be processed with the new negative margin rules. An additional $50 million in federal funding has been made available for this initiative.

Over 500 CCPP applications have already been sent and we expect that 2005 payments will begin in August.

In regard to Senator Hays' second question on basing government payments on producers' gross rather than net income, federal officials are currently looking at options for separate income stabilization and disaster programs. Within this context, several options are being looked at. Federal officials are currently working with their provincial counterparts and consulting with industry groups across the country. These industry consultations are key to ensure any resulting programs are responsive, transparent and bankable for all involved.

Finally, Senator Hays also asked about the availability of programs to help producers manage serious financial problems, including, if necessary, transitioning out of agriculture. The federal government is aware of the unfortunate reality that producers do find themselves in these types of situations. As such, we have programs under the Renewal component of the Agricultural Policy Framework (APF) to help these producers, including the Canadian Farm Business Assessment Services, which provides professional consultation services for financial planning and follow ups, the Specialized Business Planning Services, which helps producers develop business plans, the Farm Debt Mediation Services, which assists insolvent farmers reach agreement with their creditors, and the Canadian Agricultural Skills Service (CASS) Program, which helps farmers and their spouses develop skills needed to improve their on-farm and off-farm prospects.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

HUMAN RESOURCES AND SOCIAL DEVELOPMENT— EMPLOYMENT INSURANCE ACT— COMPASSIONATE CARE LEAVE BENEFIT

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 8 on the Order Paper—by Senator Carstairs.

HERITAGE— FEDERAL MUSEUMS ASSISTANCE PROGRAM

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 9 on the Order Paper—by Senator Carstairs.

[*English*]

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Before proceeding to Orders of the Day, from today until the end of the week, we will be saying farewell to departing pages and wishing them good luck for the upcoming year.

[*Translation*]

After spending a very rewarding first year in the Senate page program, Joannie Jacob, from Maniwaki, Quebec, will be leaving us when this session of Parliament adjourns. In September she is headed for the University of Grenada in Spain to study for a year.

[*English*]

Christian Dicks, our representative from St. John's, Newfoundland and Labrador, is honoured to have served as a page in the Senate of Canada during the last two years. He will continue his studies at the University of Ottawa in the Bachelor of Commerce program.

Third, Bhreagh Dabbs is proud and honoured to have had the opportunity to work as a Senate page for the past year. She looks forward to spending the summer at her home in Whitehorse, Yukon, and then will be off to study at the University of Dar Es Salaam in Tanzania next year. We wish these pages well.

ORDERS OF THE DAY

AGRICULTURAL MARKETING PROGRAMS ACT

BILL TO AMEND—THIRD READING

Hon. Leonard J. Gustafson moved third reading of Bill C-15, to amend the Agricultural Marketing Programs Act.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

• (1500)

[*Translation*]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Maria Chaput: Honourable senators, with Bill S-4 the government wishes to limit the parliamentary tenure of senators to eight years. Although I do not object to this principle, I do have some concerns regarding the intentions of the current government to diminish the role of the Senate in the legislative process of the federal government. In the *Reference re: Authority of Parliament in Relation to the Upper House*, known as the *Senate Reference* of 1980, the Supreme Court of Canada stated that reducing the length of tenure could hinder the proper functioning of the Senate which, in the words of Sir John A. Macdonald, provides a "sober second thought" at legislation.

On June 8, the leader of the opposition in the Senate, the Honourable Daniel Hays, reminded honourable senators that in 1980, the Supreme Court clearly stated that if tenure was decreased, one of the Senate's essential characteristics, which is to say providing sober second thought to legislation, could be impaired. Is that what we want for the Upper House of the Canadian Parliament?

Let us also not forget that the expertise, life experience and professional background of senators play a vital role in the operation of the Senate of Canada. In the work of our colleague, Senator Joyal, *Protecting Canadian Democracy*, former Quebec minister Gil Rémillard reminds us of the essential characteristics and fundamental features of the Senate: independence, long-term perspective, continuity, professional and personal experience, and equality of the regions in accordance with the principles of federalism.

Mr. Rémillard said:

> These five qualities were at the heart of the Supreme Court's analysis of the Senate in the 1980 Reference, and they remain the very foundation of the Senate's existence.

Even if there is room for improvement in the operation and composition of the Senate, the fact remains that it is a vital organ in the machinery of federal government in the context of the Canadian federation. It is a House whose role and representation are different and distinct from those of the House of Commons. It is a House that represents the regions and the minorities. In other words, as Senator Joyal said so well, compromising the role and functions of the Senate and the principles of federalism and a responsible government would be equivalent to violating a fundamental principle of the Constitution.

On June 8, our colleague, Senator Claudette Tardif said:

> To change the length of terms without considering other aspects of Senate reform and without a clear understanding of reforms to come could be prejudicial to the functioning of the Senate and of Parliament as a whole.

Our colleague was concerned about the representation of the regions and minorities, as am I. How can we move forward with the bill on the table when we still do not know what other changes the current government is considering? Let us not forget that the Upper House has a distinct role from the House of Commons.

As I just mentioned, two aspects of representation in the Senate are crucial: regions and minorities. Nearly all modern western democracies have a bicameral legislative system, and in these democracies, the upper chamber commonly provides independent regional representation. And what will happen to the representation of women, official-language minorities and Aboriginal people?

[*English*]

Also, one cannot talk about the Senate in isolation; the Senate is only a small part of the governance structure of the Canadian federation. In February 2004, the Honourable Senator John Lynch-Staunton, in an address to the Halifax Club, reminded his audience that the Senate was created with a great national purpose: to give regions equal representation at the federal level and to protect the rights of the minority.

In a recent article, Canadian journalist Peter Worthington stated that Confederation needs the Senate. He said. "The Senate is the only chamber in which the provinces have — or should have — equality." He even goes on to commend the work of Senate committees.

In April of this year, the *Winnipeg Free Press* published an editorial in which it reminded Canadians that,

> On a national level, however, the Senate supplies the first line of defence — as Georges-Etienne Cartier, one of the Fathers of Confederation said, it enables the "power of resistance to oppose the democratic element." That is a more democratic thought than it sounds — the Senate offers a defence against the absolute power of the majority that governs a democracy.

[*Translation*]

Like our leader in the Senate, the Honourable Dan Hays, who in his remarks in the Senate on June 8, said that he had many questions about this bill, I think that this bill raises numerous questions and concerns.

[*English*]

What worries me in Bill S-4 is not what is mentioned but what is not mentioned — the government's other intents and future amendments. Prime Minister Harper says this bill is just the beginning of his plan, but we need to see the full plan before an informed decision can be taken. In a recent editorial, *The Globe and Mail* called Mr. Harper's attempt at Senate reform "piecemeal fiddling."

Honourable senators, many questions need to be addressed. What does the government really wish to accomplish with Senate reform? Has it thought the process through? Has the government given due consideration to the members of the federation — the provinces and territories — to women, to Canada' native peoples, to official-language minorities, to our nation's cultural mosaic? If elections were held for Senate seats, how would these various groups succeed in being represented?

Would elections in the Senate in some way undermine the role and responsibility of the House of Commons, since we would then have two Houses with elected representatives? If not, what measures will be taken to ascertain that both chambers have complementary roles. Bill S-4 is the prelude to what other amendments intended by this government?

[*Translation*]

When we eventually address the issue of representation in the Senate, what mechanisms does the government plan to use to ensure that Aboriginal people, official-language minorities, women and ethnocultural communities are equitably represented?

And will the mechanisms that are adopted fit better with an electoral process or with the system of appointments that we have at present? These questions are unanswered at present.

Canadians want change, but not at any cost. Generally speaking, they are unfamiliar with the purpose of the Senate. We all have a responsibility to help them gain a better understanding of the upper chamber, what it represents in Canada's parliamentary system, what it accomplishes, and what the members of this chamber do.

Our former colleague, Senator Gérald Beaudoin, recently told me that the beauty of the Senate is what is not seen. How true! And in an article our constitutionalist former senator published in the June 15 issue of the newspaper *Le Droit*, he said this:

> It would be a mistake to abolish the Senate. The Senate provides an opportunity to improve legislation. That alone is a huge benefit! The Senate committees are very effective and very useful.

[*English*]

Honourable senators, Canadians want change but not at any price. Canadians want change that will make the Senate stronger and a better representative of Canada's provinces and territories, and a more efficient mouthpiece of the various interests of Canada's many peoples.

Young Canadians too are taking interest in what might happen to the Senate. A University of Manitoba student, Miss Linnea Ingebrigtson, presented me with a paper she wrote entitled, "The Canadian Senate: Is reform the answer?" In her introduction she states,

> This paper will submit the argument that the Canadian Senate should not be reformed until a credible and effective proposal is identified, which is either compatible with the Senate's current role and mandate or addresses and appropriately implements the altering of the Senate's role through reform.

Her paper addresses the current state of the Senate, gives historical background, considers the advantages and disadvantages of the Canadian Senate's present structure and functioning and examines the various reforms proposed for the Senate. Ms. Ingebrigtson addresses the question of why the Senate works. She states,

> The Senate is very good at studying and amending proposed legislation. On the whole, senators have more experience, hold their seats for lengthy time periods/ continuity and there is better quality of representation. These are all reasons why committees and committee investigations are often better than those of the House of Commons.

• (1510)

In her conclusion, Ms. Ingebrigtson states the following:

> When attacking the Canadian political system, critics often strike the Senate first. Thus, when something is not accomplished, many mistakenly attack the Senate when the House of Commons is the primary problem. The intent of the Fathers of Confederation was not to have the Senate treated like a punching bag but a house of reflection that helps keep the House of Commons in check.

[*Translation*]

Honourable senators, Canadians and our young people have shown a lot of interest in Bill S-4. Let us once again take advantage of this opportunity to explain the important work the Senate of Canada does and the concerns raised by this debate on Senate reform.

If the eight-year term is adopted, will an elected Senate be the next step? I think that we should always avoid simply transplanting formulas without taking the context into account. It is always good to share ideas and find new solutions. It may be useful to compare how other countries have solved certain problems and to examine a variety of possible solutions. However, no universal formula can apply to all countries. We have to find our own.

The Senate of Canada is a place of work and tradition. It plays a special role in legislation. Senate committees are often considered to be the heart and soul of the Senate. Time and time again, women, Aboriginals, and minorities have played an important role in the Senate. Their contributions to changing the Government of Canada's policies and amending bills show that the Senate is a useful forum in which Canada's various regional, linguistic, cultural and socioeconomic interests are represented.

Honourable senators, I am ready to consider change, but not change at any price.

[*English*]

Hon. David Tkachuk: Will the honourable senator take a question?

Senator Chaput: Yes.

Senator Tkachuk: I am trying to understand the Liberal position, and I am not sure whether the honourable senator's position is the Liberal position or her own. I have heard much talk and a number of speeches that have been given about Senate reform and elections.

This bill calls for an eight-year appointment rather than an appointment to age 75. Is the honourable senator opposed to the eight years rather than age 75, or is she opposed to the number "eight," and perhaps it could be "12" or "10"? In other words, in principle, is she opposed to having a senator appointed for a number of years rather than to age 75, no matter the number of years? Perhaps she could answer that.

[*Translation*]

Senator Chaput: My speech today was from a very personal perspective. In principle, I do not oppose an eight-year term per se; however, I have many questions. Before agreeing to this change, I would like answers to other questions. For example, if we go ahead with an eight-year term, what will happen to this House? If you had been offered an eight-year term in the Senate of Canada, how many of you would have accepted? Would it have got in the way of an existing career that we could not, or would not, have left? Would you have agreed to sit in the Senate for eight years, instead of until the age of 75, because that would have been fine with you? I ask myself these questions. It is not the term of eight years that is making me hesitate most. My biggest problem will be with an elected Senate and what this would mean in terms of the composition of the Senate and the work we must do.

[*English*]

Senator Tkachuk: In other words, on the principle of the bill, with respect to the number of years being eight or maybe 10, the honourable senator seems to be generally satisfied. She might be concerned that we might not have enough applicants for the job. My view would be that if we did a survey of Canadians asking whether they would accept an eight-year appointment, millions of them would ask how fast they could send in their application.

If we take away the question of suitability of applicants, the bill does not say much more than that. It limits a senator's appointment to eight years rather than age 75 when he or she could be 35, 50 or 72. We have many who have accepted appointments at a later age.

[*Translation*]

Senator Chaput: Honourable senators, one of my concerns regarding the term, whether it is eight years or ten, has to do with the continuity and life experience in the Senate.

Here is a concrete example. We had a constitutionalist. As you all know, they are few and far between. If he were elected, would he agree to sit in the Senate for a period of eight years? Would eight years be enough in such a case? I do not have the answer. I do not know. Would ten years be better? I do not have the answer.

I have many more questions than answers. This is why we must consult and talk with the people around us. However, I would like to point out that the young university student and other youth I have met are seriously questioning the notion of an eight-year term. Some of them asked me if eight years in the Senate is long enough to accomplish our work and to ensure the continuity that we currently enjoy.

[*English*]

I said to them that I do not know. We will find that out.

Hon. Jack Austin: Honourable senators, I congratulate my colleague Senator Chaput for her contribution to this debate. I wish to tell Senator Tkachuk that the question he asks might be relevant if we were dealing with a constitutional amendment that took into account the provinces because then we would have the policy question before us. However, as he will shortly learn, that question is not relevant to debate under Bill S-4.

Honourable senators, Bill S-4 raises several critical issues that go to the core of the raison d'être of this chamber. Constitution-making is a seductive business. Many of us in this chamber, particularly Senator Murray, will well recall previous attempts to amend the Canadian Constitution, including changing the way the Senate is constituted. Many Canadian statesmen and women, academics, journalists and so-called ordinary Canadians have scars from the attempts of the last Conservative government to amend the Constitution in the late 1980s. I have some sympathy with Prime Minister Harper's desire to do an end run around the Constitution by trying to effect changes to this chamber without opening discussions with the provinces. However, honourable senators, the Prime Minister's wish cannot be our command. We answer to the Constitution. I am very concerned that Bill S-4 does not meet the first and foremost test, namely, that of constitutionality.

The Leader of the Government told us that Parliament can proceed with this proposed amendment to the Constitution relying on the powers under section 44 of that Constitution. I am far from convinced that she is correct.

• (1520)

Before proceeding with Bill C-60, the government of Prime Minister Trudeau in 1978 asked the Supreme Court of Canada whether any or all of a series of changes to the Senate could be effected by the Parliament of Canada enacting legislation alone. Among the queried changes was "to change the tenure of members of that House." The Supreme Court said:

> At present, a senator, when appointed, has tenure until he attains the age of seventy-five. At some point, a reduction of the term of office might impair the functioning of the Senate in providing what Sir John A. Macdonald described as "the sober second thought in legislation." The Act contemplated a Constitution similar in principle to that of the United Kingdom, where members of the House of Lords hold office for life. The imposition of compulsory retirement at age seventy-five did not change the essential character of the Senate. However, to answer this question we need to know what change of tenure is proposed.

The citation is *The Upper House Reference*, [1980] 1 S.C.R. 54, and the quotation is from pages 76-77.

As a general summary of the law and what changes may or may not be made by the Parliament of Canada on its own, the Supreme Court said:

> Dealing generally with Question 2, it is our opinion that while s. 91(1) would permit some changes to be made by Parliament in respect of the Senate as now constituted, it is not open to Parliament to make alterations...

— and I want to emphasize the following words —

> ...which would affect the fundamental features, or essential characteristics...

— I will repeat —

> ...which would affect the fundamental features, or essential characteristics, given to the Senate as a means of ensuring regional and provincial representation in the federal legislative process. The character of the Senate was determined by the British Parliament in response to the proposals submitted by the three provinces in order to meet the requirement of the proposed federal system. It was that Senate, created by the Act, to which a legislative role was given by section 91. In our opinion, its fundamental character cannot be altered by unilateral action by the Parliament of Canada and s. 91(1) does not give that power.

That appears at pages 77 and 78 of the report.

Honourable senators, opinions may differ as to whether an eight-year term would affect the fundamental features or essential characteristics given to the Senate, but how will an eight-year term preserve the fundamental features and essential characteristics? We were told by the Leader of the Government that the intention is for this term to be renewable; that is, each senator could be reappointed by the Prime Minister of the day at the end of the eight-year term.

The Leader of the Government was careful to link the reappointment possibility to the government having established a procedure to appoint only senators who have been elected in a specific jurisdiction. Honourable senators, we must reject such considerations as they are not in fact before us or anywhere near to being a reality. Notwithstanding the statements by the Prime Minister and the Leader of the Government in this place that the bill before us is but "an important first step in a longer process of reform" of the Senate — implicit in this being that the next step will be further progress towards the election of senators — the proposal before us relates only to limiting the term, and that is all that should be discussed on its merits.

We must avoid any temptation to muddy the waters with talk of "assuming a senator has been re-elected." We now address only the constitutional validity and conceptual desirability of an eight-year term for the Senate as it is in the bill before us, which we are told includes the possibility of reappointment.

I think a strong case can be made that the fundamental features or essential characteristics given to the Senate would indeed be affected by this proposal. Certainly, a senator's independence would seem to be affected by the reappointment possibility. This is something we would never accept for judges, on the ground that it would undermine their independence and impartiality. How could the same principle not apply here?

Interestingly, Roger Gibbons, president of the Canada West Foundation, of Calgary, Alberta, and one of the strongest proponents of Senate reform back in the 1980s and 1990s, wrote an article this past February entitled, "Let's not rush Senate reform," in which he argued that "the world has changed since the early days of the Senate reform movement." He wrote:

> ...the most compelling case for Senate reform today may be one based on democratic principles rather than on the need for better regional representation. The need to check excessive concentration of political power in the hands of the prime minister and cabinet will remain even if the saliency of regional identifications begins to fade.

I put in emphasis that last sentence.

Yet, to the contrary, the proposal before us would enhance and increase the Prime Minister's concentration of power, as the Prime Minister would have the power to appoint and reappoint senators after every eight years.

Numerous articles have been written over the years commenting on the value added by members of this chamber to both our legislative work and our investigative studies, based on the years of experience in this chamber and the historic memory that those years provide. In the article he contributed to Senator Joyal's excellent book on the Senate, Professor Emeritus C.E.S. Franks wrote specifically about the benefits of the long tenure for the investigative work conducted in the Senate, especially as contrasted to that of the other place.

Of course, the Fathers of Confederation were explicit in drafting the Constitution that the Constitution of Canada was "similar in principle to that of the United Kingdom." As the Supreme Court noted in the 1980 *Upper House Reference*, under the Constitution of the United Kingdom, "members of the House of Lords hold office for life."

That contrasts with the statement made by Prime Minister Harper shortly after this bill was introduced that there is no legislature that holds its term by appointment. He had forgotten, of course, about the Constitution and the House of Lords.

I am not arguing, as I have said, the merits of an eight-year term versus a 12-year term or any other term versus tenure to the age of 75. My point is that the proposed change before us would appear to affect "the fundamental features or essential characteristics given to the Senate." As a consequence, there is a real question whether or not this proposal is constitutional.

Honourable senators, when proposing to tamper with the Constitution in an area that one alleges is within Parliament's exclusive authority to amend, we cannot make a mistake. It would be egregious to pass this bill to go to an eight-year term and then later find it is unconstitutional. This would create confusion, disruption and antagonism. It would be a mess.

Before this bill proceeds, if it is to proceed, we must have a reference to the Supreme Court of Canada on the constitutionality of the proposed amendment.

Honourable senators, the provinces have a substantial interest in this bill as well. From the beginning, the Senate was established to represent the regions, or "sections," as they were termed back then. Sir John A. Macdonald said during the debates on Confederation:

> To the Upper House is to be confided the protection of sectional interests: therefore is it that the three great divisions are there equally represented for the purpose of defending such interests against the combinations of majorities in the Assembly."

That is a useful phrase, bearing in mind other legislation that may come before us.

The Supreme Court in the 1980 case reviewed the history of the Confederation debates and concluded:

> A primary purpose of the creation of the Senate, as part of the federal legislative process, was, therefore, to afford protection to the various sectional interests in Canada in relation to the enactment of federal legislation.

What impact would reducing our term to eight years have on our representation of our regions? In particular, what impact would the carrot of possible appointment by the Prime Minister of the day have on this representational role and its independence? Would we still be protecting provincial and territorial interests primarily, or would other personal and political considerations arguably then come into play?

Certainly, honourable senators, there is no unanimity among provincial premiers of what is to be done — if anything — with the Senate. Some are adamantly opposed to senatorial elections. Others are ready now to conduct elections. We heard from Senator Ringuette that New Brunswick Premier Lord has announced his intention to hold senatorial elections at the same time as municipal elections. However, Senator Ringuette told us, only 72 per cent of the population lives in incorporated areas and would be allowed to vote in this process.

Honourable senators, it seems to me this is an excellent example of a member of this chamber defending the interests of minorities within her region against the decision of the majority-elected body. It reminds us that premiers — perhaps like our Prime Minister — do not speak with the Constitution in mind.

• (1530)

I believe that the position of the previous two governments, led by Prime Minister Chrétien and Prime Minister Martin, is the correct position to take. That position is to tell the provinces to come with a unanimous recommendation on Senate reform.

Honourable senators, a precondition of any Senate reform for British Columbia, as expressed by Premier Gordon Campbell, is a Senate membership which would closely represent B.C.'s role in Canada's federalism. B.C. is a formal fifth region of Canada, and, it would be argued, is entitled to a representation of 24 senators.

My key point, honourable senators, to be clear, is that the Senate is not an urgent, pressing issue; it is not a burning issue for Canada or for most Canadians. As I mentioned earlier, one of the strongest proponents for years of Senate reform is now urging this government to go slow. Roger Gibbons of the Canada West Foundation wrote in February:

> The firestorm that erupted when Prime Minister Stephen Harper appointed Michael Fortier to the Senate, and to the cabinet as Minister of Public Works and Government Services, may be a blessing in disguise.
>
> With luck, Harper will pause before making any more moves on the Senate front. This pause is critically important because Canadians lack a coherent roadmap for Senate reform. We need time to regroup before trying to move forward on this difficult policy file.

I agree that we need a coherent road map before proceeding with piecemeal amendments such as the one before us now. I pay close attention to concerns expressed about the Senate. I have heard calls for an elected Senate; I have heard many calls for changes in the regional representation, to increase the representation in particular of British Columbia and Alberta and recognize both their significant population size and economic contribution to Canada. Honourable senators, I have not noticed a growing fury across the land demanding eight-year terms for senators.

Senator LeBreton noted with approval earlier today editorials in *The Globe and Mail* and *National Post* on the new long-gun registration and said they were a justification for that legislation. Both those papers and *The Vancouver Sun* have said that this bill is tampering only and should be dropped. No doubt, that is persuasive for honourable Senator LeBreton.

The facts are that during the recent election campaign, now-Prime Minister Harper promised to reform the Senate. He is now seeking to fulfill that promise. However, just as he promised to lower taxes and then proceeded to raise them — using carefully chosen words to persuade Canadians that in fact he was fulfilling his promise — so here he is promising one thing and doing quite another.

Senator Hays described in detail the Conservative platform promise to create a process for choosing elected senators from each province and territory. I do not see in Bill S-4 the promise to "propose further reforms to make the Senate an elected body that equitably represents all regions." I do not see any of that in Bill S-4.

I do not recall any rallying cries from Mr. Harper for eight-year terms for senators. This, like so many other of his election commitments, is a non-policy designed to enable the Conservatives to place a check mark next to a promise, but it fails utterly to tackle the real issues of concern.

The Hon. the Speaker: Senator Austin seeks an extension of five minutes.

Hon. Senators: Agreed.

Senator Austin: Thank you, honourable senators. I have so much more I want to say. I will put it together in five minutes.

I want to say that this bill makes no real improvements to this place. What is presented in Bill S-4 is simply illusionary. I do not believe the proposal to be a serious proposal for Senate reform. However, that is not to say that I reject the idea of Senate reform; to the contrary, I believe this country needs a thoughtful discussion in this country of our political institutions — this chamber and the other place, as well — so that we can make Parliament itself work more effectively for Canadians.

The central criticism with which we are all familiar, that the Senate does not reflect contemporary democratic principles, in my view, fails to confront the critical principle on which the Senate was founded; namely, the principle of indirect representation. The concept was, in the House of Commons, you have "democracy fast;" in the Senate, you have "democracy slow." Based very much on the British House of Lords, the Senate was formed as a "council of elders" to act as a check and balance on the popular mandate. The Fathers of Confederation were very much aware of the concepts adopted in the United States with respect to checks and balances.

I must tell you, honourable senators, I believe that we need a stronger center in this country politically, and I find it worrisome to see this Prime Minister, on one hand, paradoxically seeking to divest Ottawa of economic power over national policy, while at the same time, in proposing the election of senators, shifting political power to the center. In the long run, that political power will recall any economic transfers that may be given to the provinces.

Honourable senators, the proposal in the bill today before us is not serious and should be recognized for what it is; a proposal thrown together so that the Prime Minister can tell the Canadian electoral he has fulfilled an election promise. We know better. He promised to "begin reform of the Senate by creating a national process for choosing elected senators from each province and territory." As I said, nothing in this bill addresses that promise. As drafted, the bill strengthens the Prime Minister's power of appointment of senators by ensuring it will be exercised every eight years for each senatorial position. It tightens the Prime Minister's control over senators beyond any that currently exists or has ever existed in this country by embedding the possibility of reappointment.

Let us be clear. There is no transparency about the proposed appointment process, and certainly no accountability to Canadians with respect to appointments — only, as I say, accountability to the Prime Minister of the day.

Honourable senators, I say to you that a debate on the reform of Senate and of Parliament is waiting, and Canadians would seek it. They seek to understand our process much better than they do today. Honourable senators, this bill does nothing, contributes nothing, and should be dismissed.

Hon. Lowell Murray: Honourable senators, there have been some very good speeches in this debate. I regret that I have very little, if anything, new to add. I am on the record in media reports as saying the government should refer this bill to the Supreme Court of Canada to determine whether the federal Parliament, acting under section 44 of the Constitution Act 1982, can set a fixed term of eight years for future senators.

A number of honourable senators, myself included, who were ministers in or otherwise associated with previous governments have indicated that those governments were dissuaded from going down this road because of concerns that such amendment would require the consent of two-thirds of the provinces having at least 50 per cent of the population of Canada. In other words, the proposed change could only be made under section 38, the general amending formula.

I acknowledge that the present government may be proceeding on the basis of different advice and/or of different advisors. The Leader of the Government in the Senate, when she opened the debate on June 1, indicated that the government had taken counsel with at least two outside advisors whom she identified as former Senator Gérald Beaudoin and Professor Patrick Monahan. If this bill goes to committee, we will no doubt hear other experts on both sides of the question. However, the definitive word must come from the Supreme Court of Canada, and I agree with Senator Austin that it is better that a determination be sought now rather than later.

• (1540)

The tenure of senators is not among the specific matters enumerated in section 42 as requiring the consent of provinces for amendment. However, amendment of "the method of selecting senators" does require provincial consent. One of the issues is whether "the method of selecting senators" implicitly includes the mission for which they are selected, that is, to hold office until the age of 75.

A larger and more profound issue is whether a change to an eight-year fixed term is mere housekeeping and therefore within the exclusive powers of Parliament. I use the term "housekeeping" advisably. It is a quotation from the 1980 judgment of the Supreme Court of Canada to which Senator Austin and others have referred. The life tenure established in 1867 was for the purpose of ensuring the independence of the Senate and the change to a retirement age of 75 in 1965 was not seen to have undermined that principle.

The Supreme Court in 1980 described our independence as a "fundamental feature" of the Senate. If the imposition of an eight-year term is not "housekeeping" but a major change that would also possibly compromise our independence then, following the reasoning of the 1980 judgment, the change is beyond the power of Parliament acting alone.

My objection to this bill is not solely that it may be unconstitutional. Even if the proposed change to a fixed term of eight years was found to be within the exclusive power of Parliament, I would still have serious reservations about it and about the manner in which the government is proceeding.

We have a bicameral Parliament in a federal country. Those institutions — and we must never forget this — Crown, Senate, Commons and federalism — are intimately related. A substantive change to one will most often affect one or more of the others and therefore the whole structure directly or indirectly.

It seems to me the government is trying to advance two mutually contradictory arguments for this bill. One is that a fixed eight-year term for senators is a modest and discrete institutional change worthy of support on its own merits. The second

contradictory argument is that this is a first step, part of an overall Senate reform, the rest of which will be revealed to us in the fullness of time.

The Prime Minister has referred to it as a first step and has indicated that the next step to be undertaken before the end of this mandate will be election of senators. The Leader of the Government in the Senate has confirmed this. In answer to questions following her speech on June 1 as to whether the proposed eight-year term will be renewable, the minister repeated several times that the eight-year term is predicated upon election of senators and therefore would be renewable.

Under what authority will these senatorial elections be held? How and by whom will senators be elected? Will the elected Senate have the same powers, more power, less power or different powers than the present Senate? What is to be done about the glaring geographical imbalance in representation, in particular the under-representation of Western Canada in this place?

We must not pretend, as the government would have us do, that these questions of selection, of powers and of regional representation are irrelevant to the major change in future senators' tenure that is proposed in this bill.

I have no doubt that there is significant support among Canadians for some kind of reform of the Senate. However, the country should not be asked to swallow, and Parliament should not force upon the country and upon our federal parliamentary democracy, a piecemeal initiative which may or may not add to the legitimacy and effectiveness of the Senate, depending upon whether and what other changes are made to the institution.

Four years ago I was part of a committee that succeeded in persuading the political party to which I then belonged to approve a resolution calling for recognition of British Columbia as a distinct Senate Division and to redefine the Western Division as Alberta, Saskatchewan and Manitoba. I even suggested I might take the initiative and bring forward a motion in the Senate to begin the process of amending the Constitution to this effect.

Last month, on May 3, in reply to a question from Senator Gustafson during the Throne Speech debate, I agreed with him about the under-representation of Western Canada in this chamber and indicated again that I was prepared to bring in a motion for a constitutional amendment to help redress that imbalance.

Later this week, I hope to be in a position to table a notice of motion to amend the Constitution Act, 1867 in this respect. If the Senate passes such an amendment, it will have the effect of reopening consideration of Senate reform in general and will focus the attention of the other players in the amending process, the provincial legislatures and the House of Commons, on the intimately related matters of election of senators and powers of the Senate.

Honourable senators, we tend to be somewhat hesitant, even diffident, when we have to criticize initiatives that touch the Senate. Even though Bill S-4 does not change the tenure of senators now in office, we are sure to have some kind of selfish motives attributed to us by the numerous commentators and practitioners of the cheap shot who never come near this place or have the slightest idea of the role the Senate plays in our parliamentary democracy today. None of us should be intimidated by this.

Some Hon. Senators: Hear, hear!

Senator Murray: All of us understand the pressures and, indeed, the urgency that the present Prime Minister and government may feel to be seen to be "doing something" about reforming the Senate. There is an awful lot of history to this. They have a lot of history and they cannot be reasonably expected to turn their backs on it. However, we have no right to try to amend the Constitution of Canada in response to some popular impulse alone.

We who are for the time being the trustees of this chamber and of Parliament have the duty to consider these matters in a wider and longer context. In that respect, I welcome the initiative taken by the Deputy Leader of the Opposition today to strike a special committee of this place to consider Senate reform in general, if I understood the motion properly. I hope that before the Senate is asked to pronounce on this bill at second reading that the subject matter of the bill be referred to that special committee.

Hon. Hugh Segal: Honourable senators, would the Honourable Senator Murray take a question?

Senator Murray: Yes.

Senator Segal: I noted the modesty with which the honourable senator referenced his own distinguished efforts around constitutional reform both as it related to the Meech Lake Accord and the Charlottetown accord in which there were specific references to the reform of this place. Honourable senators, I am sure, will have noted that despite the good faith on most sides of that debate progress was almost impossible.

The notion, therefore, that one cannot proceed with any reform until one can proceed with an entire reform, including the variety that would require provincial agreement under the Constitution implies, in essence, that we can make no changes, we should endeavour to make no changes, no duly elected government in the other place should make any changes and that as such we should be prepared to accept whatever the insufficiencies which have to be weighed against the great strengths and other contributions of this place that this particular part of our democratic framework cannot be changed. Is that a fair reflection of what Senator Murray just said?

Senator Murray: My honourable friend has mentioned both the Meech Lake Accord and the Charlottetown accord, both of which I was associated with as a member of the Mulroney government. Let me return the compliment by reminding the honourable senator of his important role as an adviser to the Ontario government of Premier Davis at the time in bringing in the Constitution Act, 1982. I say that for a very good reason. I am sure there are measures that we can take on our own to improve the functioning of the Senate. In 1982, the new fathers of confederation, in their wisdom, decided that major changes to the Senate could only be made on the basis of a general amending

formula involving the House of Commons, the Senate with a suspensive veto, and seven provinces with 50 per cent of the population, or truly major change, that is, abolition, that would require unanimous consent of the provinces.

• (1550)

They did that for a reason, and I suggest that the reason is that they had the opportunity and responsibility to look at our parliamentary democracy as a whole and they decided that to proceed with any important change should require a national consensus and should not be the subject of tinkering.

Hon. Senators: Hear, hear!

Hon. Anne C. Cools: Honourable senators, I wonder whether Senator Murray has given any thought to the fact that this purported constitutional amendment, which is actually a simple bill, has arisen out of nowhere but someone's head. My understanding is that attempts to amend the Constitution should arise only after long and vigorous public debate and expression of opinion in proper fora. I was always under the impression that constitutions should not be amended on the whim or fancy of any individual.

Senator Murray: That would be my position also. However, in fairness, I must say that the issue of a fixed term for senators has come up before on numerous occasions, and I alluded to this in my speech.

In 1988, our colleague Senator Joyce Fairbairn suggested in a speech in Alberta a number of changes that she thought may be made using section 44. One of those changes was a six-year term for senators.

As I have said to the media, and I must be careful about how far I go on this, I looked into the matter when I returned from Edmonton where Senator Fairbairn and I spoke and found that such a change would require the consent of seven provinces with at least 50 per cent of the population of Canada; in order words, the general amending formula, section 48.

Senator Cools: Since Senator Murray was at the time a minister of the Crown, perhaps he could formally share some of those legal opinions with us in the future. If that is possible, it would be interesting.

My question for the honourable senator relates to the fact that we seem to be in an era where our history has been ruptured and we have been severed from it instantaneously. We use words in simplistic ways which words are supposed to have profound, measured and practised constitutional meanings over centuries.

Senator LeBreton referred to tenure of senators, and the bill itself, in its short title, uses the term "Senate tenure." My understanding of the word "tenure," used in a constitutional sense, is that it does not and cannot mean eight years or four years. "Tenure," in a constitutional sense, means longevity of time and also imports into it a peculiar kind of independence and separateness from control by the executive, the ministry. There was a point in time when tenure was viewed as something like a land grant, an estate for life. It bothers me deeply, honourable senators, to see what we are doing.

The Hon. the Speaker: Order. I am advised by the table that the 15 minutes allotted to Senator Murray has expired. If he were to request an extension of five minutes, Senator Cools could continue.

Senator Comeau: We agree to no more than five minutes, as usual.

Senator Cools: Senator Murray is a former minister and former leader in this place. We could be generous, in my view, and give him more time.

We are now in an era where definitions and comprehensions that were crystal clear ten years ago are no longer understood by large numbers of people. My understanding is that the constitutional meaning of "tenure" cannot be three, four or five years. Even in the universities, when a professor got tenure, it meant something.

In the years that Senator Murray served as minister and leader here, he was put through a significant amount of grief, particularly on the issue of the GST.

Notwithstanding all of that, in Senator Murray's research in response to Senator Fairbairn's concerns, did he encounter or deal with the real and significant constitutional meaning of "tenure"?

Senator Murray: No, I did not. The only tenure with which I am familiar, and not very closely, is academic tenure. Perhaps the Speaker of the Senate and others could instruct us on the longevity involved there.

As for legal opinions, what I could not do as a minister I certainly cannot do as a former minister. I made one exception, and that concerned the Alberta Senate selection bill. Questions were raised here by Senator Grafstein in 1988 or 1989 as to the government's view on its legality. On advice, I felt I had to state what the government's view was because I had already shared it with the Government of Alberta. That opinion was that the Alberta bill was ultra vires.

Hon. George Baker: Honourable senators, we just heard two excellent speeches. Both of them pointed out that it would be unconstitutional for a bill like this to suggest an elected Senate or a system of provincial selection, because these matters have been adjudicated by the Supreme Court of Canada, to a certain degree, but they refused to address the question of tenure and said it might, as Senator Austin pointed out.

The words "fundamental features" and "essential characteristics" are used quite often in addressing this matter.

• (1600)

Does Senator Murray believe that those two phrases, "fundamental features" and "essential characteristics" as contained in the Supreme Court judgment, refer only to regional representation — as the remainder of the sentence reads as Senator Austin read it — or whether he thinks these two matters stand on their own in addressing any piece of legislation concerning this matter?

Senator Murray: I think I can answer that question by referring to the judgment itself. I hope I can find it.

Senator Baker: It is paragraph 49.

Senator Murray: It seems to me that "fundamental features" and "essential characteristics" refer explicitly not just to regional representation, but also to the independence of the Senate. The bedrock of the Senate's independence is the tenure that was for life in 1867 and since 1965 and has been until the age of 75. This layman is inclined to think that the change is major and does affect a fundamental feature of the Senate and, therefore, would require the general amending formula. However, that is a layman's opinion and I believe that the government would be wise to seek a decision of the Supreme Court of Canada on that matter before proceeding too far. Again, as I indicated in my speech, because of the other aspects, it is not my only objection to the bill.

On the question of the election, the reason I mentioned the Alberta Senate bill, I think it is clear — I said as much to Senator Grafstein in answer to a question at the time — is that aspects of the Alberta Senate bill were not only ultra vires of that legislature, but would be beyond the powers of the federal Parliament acting alone. This issue points up the complexity of trying so-called consultative elections that the Prime Minister and others have been talking about.

Senator Austin: Well said.

On motion of Senator Fraser, debate adjourned.

PUBIC HEALTH AGENCY OF CANADA BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-5, respecting the establishment of the Public Health Agency of Canada and amending certain acts to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Keon, bill placed on the Orders of the Day for second reading two days hence.

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.—(*Honourable Senator Johnson*)

Hon. Janis G. Johnson: Honourable senators, I should like to thank Senator Grafstein for his legislative initiatives to preserve and protect Canada's water. His commitment to this issue is long and storied and it stands before us today in the form of Bill S-208, which would require the Minister of the Environment to establish, in cooperation the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.

As Senator Grafstein has informed this chamber, the purpose of this bill is to establish a way to map, measure and consequently create a national inventory of our most precious resource: water.

This inventory would ensure that the water resource is developed in a fair, equitable and careful way to be shared among all sectors of our society. I share Senator Grafstein's as well as Senator Adams' concern about the quality of our drinking water that comes out of community drinking systems, especially those of Aboriginal communities across our nation. It is a sorry state of affairs that tap water poses a significant risk in three quarters of the water systems on Canada's reserves.

Almost 500 drinking water systems are at risk, despite the fact that nearly $2 billion has been spent on improvements in Canada's First Nations communities. I am encouraged that the cleanup of these drinking water systems is a priority for the new Minister of Indian Affairs and Northern Development. He has said that he wants the communities identified and a proactive plan in place for each community. It is my hope that the government's plan will address the need for water operator training and certification, as well as regulatory standards for drinking water on reserves.

There is no question that our country has issues with our freshwater supply. Senator Grafstein is right to be concerned and while I support the need to ensure clean drinking water in our country, I am not thoroughly convinced that Bill S-208 is the best way to address this issue. By requiring the Minister of the Environment to conclude an agreement to establish a federal-provincial agency to administer lands in a designated watershed, Bill S-208 does not demonstrate an appreciation of the division of power between federal, provincial, municipal and Aboriginal governments with respect to water. I am concerned this bill could further dilute our current water management regime in Canada by adding to it an extra and unnecessary layer of governance.

Canada's Constitution does not specifically address the issue of water management, but it is clear that jurisdiction over water is shared between Canada and the provinces. The provinces have broad authority over the waters and drinking water within their boundaries. The authority of the provinces involves power over the management and sale of provincial lands, including water, and over all matters that are a local or private concern, such as local bodies of water and groundwater.

Provincial governments, honourable senators, are also responsible for many aspects of land use planning and development, which can impact water quality and availability. Provincial, municipal and Aboriginal governments could justifiably object to the idea of centralizing administrative responsibilities for water regulations.

Most provinces delegate the responsibility for the day-to-day delivery of drinking water to their municipalities, subject to provincial regulations. Municipalities are the primary operators of community water systems in Canada and the proposed extra layer of governance could render their operations more difficult.

Our government recognizes the responsibility and role of the provinces with respect to water delivery. It has often stated that it favours a cooperative and integrated approach. Is the need for an integrated approach to water management not already met by existing regulations, particularly the Canada Water Act?

• (1610)

This act gives the federal government broad powers, similar to those in this proposed bill, for federal-provincial consultative mechanisms, joint establishment of incorporated agencies to plan and implement cleanup programs and the creation of public advisory and informational bodies. Does not the Canada Water Act already provide the federal government a basis to work with the provinces?

The Canada Water Act is used largely for collaborative agreements. Many of these agreements are of a technical nature, engaging many parties in research, monitoring and data collection. Other agreements are designed to facilitate federal participation in interprovincial mechanisms, to apportion water, as in the cases of the Prairie Provinces Water Board and the Mackenzie River Basin Board.

It is my understanding that the kind of interprovincial coordination embodied in Bill S-208 is already encompassed under the Canada Water Act. Collaborative water management is a cornerstone of the Integrated Watershed Management Program, which requires that stakeholders be actively involved, represented in and supportive of water management decisions. Inclusive and transparent water governance and coordination mechanisms such as water boards are needed in order to facilitate and ensure this broad principle is implemented effectively.

In Canada, the need for a collaborative and integrated approach to water management is being increasingly recognized within and across federal and provincial jurisdictions. At the federal level, the 1987 federal water policy called for integrated water management planning; and the federal government works to achieve this through its involvement with binational and transboundary boards across Canada.

Honourable senators, while I second Senator Grafstein's commitment to clean and accessible water for all Canadians, I believe Bill S-208 would place Canada in a position of creating duplicate layers of legislation aimed at the same outcome. It would have to address these issues as well or better than the current system in order to protect Canadians more than they are already protected, and to justify the expense and effort of creating a new regulatory regime.

Perhaps the real issue surrounding this bill will not be resolved by creating powers for managing water quality, but in choosing when, where and how the federal government engages in water management. In this respect, I hope our government will continue to play a role in facilitating interprovincial dialogue and cooperation toward adequate watershed management in important Canadian watersheds.

Honourable senators, I look forward to exploring these and other issues at committee and thank Senator Grafstein again for bringing this issue before the chamber.

Hon. Jerahmiel S. Grafstein: Would the honourable senator allow two questions?

Senator Johnson: Yes, honourable senator.

Senator Grafstein: Since the establishment of the Canada Water Act, has the supply of fresh water gone down or up?

Senator Johnson: What do you think, honourable senator?

Some Hon. Senators: Hear, hear!

Senator Grafstein: I welcome the senator's support for my bill.

The Hon. the Speaker: Does Senator Watt have a question?

Senator Watt: No, I just wanted to adjourn the debate under my name.

On motion of Senator Watt, debate adjourned.

[*Translation*]

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Champagne, P.C.*)

Hon. Andrée Champagne: Honourable senators, philanthropy, volunteerism, charitable work — these are three of the most heartwarming words in the dictionary. Our communities, our artists, our political parties, all facets of our society count on those who give unreservedly without expecting anything in return. Their contribution to our economy and to the well-being of our society is immeasurable. That is why today we are discussing the relevance of adopting Bill S-204 and thus instituting a national philanthropy day.

[*English*]

The idea of a national philanthropy day is one that has been circulating for quite some time. Senator Grafstein introduced a bill near the end of the thirty-eighth Parliament but it died on the Order Paper last November. Some jurisdictions, notably the United States in 1986, have issued proclamations to mark the importance of philanthropy. However, no government has permanently recognized the day.

It is my understanding that several organizations foresee tremendous benefits in formally recognizing philanthropy by creating a special day on which to honour it. Unfortunately, no information is provided on what those benefits might be, and history shows us that it would be difficult to expect Canadians to be more generous than they already are.

[*Translation*]

For example, the faculty of music at McGill University in Montreal is called the Schulich School of Music in recognition of an extraordinary philanthropic gesture, a gift of $20 million.

[*English*]

Canadians are very generous people. Statistics Canada reported that almost 5.8 million Canadian tax filers claimed more than $6.9 billion in charitable contributions in 2004. Both of these figures — the number of Canadians who gave and the amount of money they gave — set new records. As well, the amount of donations increased in all provinces and territories. For tax filers who reported contributions, the median donation was $230, up from $220 in 2003. Nunavut had the largest median donation of all the provinces and territories, with $390, followed by Prince Edward Island, with $340, and Newfoundland and Labrador, with a median of $310. The median donation has increased every year since 1999.

Honourable senators, those are very dry statistics. They somewhat mask the human tragedies that motivated Canadians to respond so generously. At the beginning of 2005, Canadians were called upon to help with the aftermath of a devastating tsunami off the coast of the Indian Ocean. Later, Hurricane Katrina brought forth yet more compassion and generosity on the part of Canadians. As 2005 approached its conclusion, the world was rocked by a major earthquake in Pakistan and Canadians responded yet again.

Canadians are really generous when the need is closer to home. Honourable senators are well aware of the generous community support in cities and towns right across this country.

[*Translation*]

Charitable organizations play a major role and contribute to a sense of belonging as well as to significant projects in the cultural, social and educational sectors.

[*English*]

All of this suggests that there is really not an urgent need to further encourage Canadians to give to charity. Unofficial celebrations to recognize the contribution that philanthropy makes to our communities are held in every province and territory and involve thousands of people.

[*Translation*]

In Quebec, every year, in every municipality, events are held to recognize the contributions that philanthropy and the volunteer sector make to our communities. Thousands of people take part in these events.

The federal government also does its part in encouraging philanthropy. Budget 2006 introduces a tax credit for charitable donations. It provides for the immediate exemption from capital gains tax of donations of publicly listed securities to public charities. In future, these organizations will be able to rely on a set of valuable tools to raise the necessary funds to meet the needs of Canadians.

So, one the one hand, the intention of this official day would not be to ask Canadians to give more, and neither would that be the result, while, on the other hand, the Government of Canada seal of approval would not translate into more honours or benefits for those who make donations.

[*English*]

Honourable senators, while I have the highest regard for the spirit in which this bill was introduced, I cannot support the bill itself. I wish to thank Senator Grafstein for seeing merit in the idea of celebrating philanthropy. Indeed, the government encourages Canadians to make charitable donations while filing their income tax. However, I do not believe Bill S-204 is the most appropriate mechanism for achieving these goals.

• (1620)

[*Translation*]

Honourable senators, for the aforementioned reasons, I urge you to defeat Bill S-204.

[*English*]

Hon. Jerahmiel S. Grafstein: I agree with many of the honourable senator's sentiments, although I do not agree with her conclusion. Could the honourable senator tell the house the comparative in her analysis of the per capita giving in Canada versus the United States?

[*Translation*]

Senator Champagne: I was able to answer the honourable senator as far as donations across Canada are concerned.

[*English*]

In the United States, I do not believe that they give any more than we do. The senator likely knows that I did not study that side of the issue.

Senator Grafstein: I would take the adjournment.

The Hon. the Speaker: Does any other honourable senator wish to speak to Bill S-204?

Hon. Marcel Prud'homme: Honourable senators, I would support the bill before I take the adjournment. The last time this bill was before the Senate I was extremely poorly treated by email from across Canada. It was a well-organized, vicious campaign against something that I support, and I was unsure where I stood on the matter.

I support Bill S-204 because the intent is good. I hesitated to lend my support the last time because the date suggested had passed. Today, we have time to reflect. I want the honourable senator to know that I would take the adjournment if I were to find support. I would be more than honoured not only to speak to it, but also to correct some of the emails that I received on the occasion of the previous introduction of the bill.

On motion of Senator Prud'homme, debate adjourned.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-213, An Act to amend the Criminal Code (cruelty to animals).—(*Honourable Senator Stratton*)

Hon. Pierre Claude Nolin: Honourable senators, today I would like to share with you my comments on Bill S-213, to amend the Criminal Code (cruelty to animals), which proposes increasing maximum penalties for animal cruelty offences.

I think that this bill is based on three premises: first, that animal cruelty is morally repugnant and socially destructive, so it makes sense to impose harsh penalties as a deterrent; second, that experts have shown there is a link between cruelty toward animals and violence toward humans. By increasing applicable penalties, we can help break the cycle of violence that leads to aggression toward others. Third, that we can do a better job of fighting violence by building awareness of the deep-seated realities that manifest as cruelty toward animals.

Before expanding on these points, I would like to describe this bill in more detail.

It is relatively simple in that it amends the four sections of the Criminal Code that list the various offences constituting cruelty toward animals and describes the maximum applicable penalties. The amendments have to do with the sentencing provisions.

In my opinion, an important aspect of the proposed legislation is that it does not create any new offences or redefine the current offences. Bill S-213 proposes significant increases in the maximum penalties for acts of cruelty to animals. For example, convicted offenders face a maximum penalty of five years in prison, compared to six months at present. The courts would have the power to prolong indefinitely an order prohibiting the offender from owning animals.

The bill also provides for a new penalty: the court could order that the offender pay for the mistreated animal's care. The new penalty thresholds reflect a feeling often expressed about current cruelty to animals laws. These laws clearly and effectively define the indictable offences but call for far too lenient penalties.

Offenders have the feeling that they can act with impunity. We have all heard stories of puppy mill owners or dog fight organizers, for example, who look on the paltry fines imposed on them as just another business expense.

According to the experts who work in Canada's humane societies, the current penalties have absolutely no deterrent effect on the sadistic brutes — for that is what they must be called — who torture and mutilate animals.

Canadians have sent a clear message that they would like stiffer penalties for acts of cruelty to animals. As many members of this chamber will recall, previous legislative efforts in this area included public consultations, and the sponsor of the bill, Senator Bryden, recited the litany of bills that have occupied this chamber in the past four years.

The truth is that violence against a pet endangers all the members of the family and threatens other members of the community. Mounting evidence shows a dangerous connection between cruelty to animals and violence against other people.

A number of studies reveal that people who commit acts of cruelty to animals are more likely to be violent toward the members of their own family.

Three researchers — Deviney, Dickert and Lockwood — carried out a study in this regard in 1983. They interviewed members of 53 families who had pets and who had experienced violence in their childhood. About 60 per cent stated that their pets had also been brutalized. Of those who had been mistreated in childhood, over 88 per cent stated that their pets had been brutalized or killed.

Ten years later, researchers at the University of Utah conducted a series of studies to more closely examine this correlation. For one project they interviewed workers at 48 shelters for battered women in the United States. The respondents stated that over 85 per cent of the women and 63 per cent of the children that they had taken in had mentioned ill-treatment of their pets.

A few years later the same researchers interviewed two groups of women. One group lived in shelters for battered women, the other lived at home. The researchers discovered that acts of cruelty towards animals were much more frequent among the group of women living in the shelter than in the control group. Half of the women living in shelters, or 52 per cent, stated that their children had witnessed acts of violence towards their pets compared to just 3 per cent in the control group.

In 1999, other researchers showed that individuals found guilty of acts of cruelty towards animals are much more likely than others to commit crimes against property or people.

Other studies confirm that there is a high correlation between cruelty towards animals and family violence, and researchers continue to study the matter.

Unfortunately, few such studies have been conducted in Canada, but there is no reason to doubt that this correlation applies here as well.

In 1998, the Ontario Humane Society interviewed a group of women who had left violent partners. Sixty-one per cent stated that their partners had brutalized or killed a pet.

• (1630)

There was also another important finding: close to half of all women asked, or 48 per cent, said that fear for the safety of their pet delayed their decision to leave their abusive partner.

This result is a good indication of the complex and disturbing role of the presence of cruelty to animals in homes where family violence exists. To understand this role we must look at the psychology of violence. According to researchers and other specialists, people who abuse members of their family are generally trying to achieve one of the following objectives: showing and confirming their power and control over their family; preventing the victims from leaving or punishing them if they try to leave. Acts of cruelty to pets are intended to produce the same effects.

In other words, the aggressor abuses the pet to control the other members of the family. This type of physical and psychological violence can have long-term effects on the family. The other family members often feel responsible for the aggressor's acts of cruelty. The aggressor takes advantage of this unjustified feeling of guilt to reinforce his control over the other members of the family and to humiliate them even more.

Honourable senators, cruelty to animals can indicate the existence of violence towards children, but parents are not always the only ones who abuse pets. Children can mistreat their animals as well, especially if they themselves are victims of violence. They repeat what they learn from the parents by reacting to violence, anger and frustration with violence. Like the violent parent, the child is violent toward the animal, who is often the only member of the family more vulnerable than he.

Children who mistreat wild and domestic animals are not all victims of violence, but the facts show that children who systematically abuse or torture animals are more likely to commit serious crimes when they become adults.

In fact, cruelty to animals is one of the components of the MacDonald triad, the behaviours in children and adolescents common to most psychopaths and serial killers.

Many psychologists and criminologists believe that children who display this kind of behaviour will unfortunately have serious social problems later in life.

We know that victims of violence and those who have witnessed domestic violence as children are more likely to become violent themselves. In the end, abusers are dependent on their victims and, often, the victims are incapable of avoiding abusive relationships. This is known as the domestic violence cycle, and this helps to explain how violence is passed from one generation to the next.

Any measures that might break this terrible vicious circle would be beneficial to Canadians. The proponents of Bill S-213 believe that this is a means to break the correlation between cruelty to animals and domestic violence.

By making cruelty to animals an offence, we can help break this correlation in several ways. First, adapted sentences could serve as a deterrent; second, adapted maximum sentences could also make all Canadians understand how serious such crimes are; third, increased awareness will encourage Canadians to report cruelty to animals more frequently. The resulting interventions in terms of enforcing the legislation will prevent more serious acts committed against family members.

Honourable senators, Bill S-213 invites us to consider a new tool: restitution orders. In a public consultation conducted in 1998, this measure was determined to be extremely beneficial. This provision would allow the court to order offenders to pay the costs associated with treating animals that have been abused.

To measure the impact of this provision, one must first better understand how our criminal justice system deals with cruelty to animals. Through legislation, most provinces and territories delegate the responsibility of conducting an investigation into alleged cases of cruelty to animals, and of laying charges if necessary, to organizations which are often humane societies.

These organizations are usually registered charities that rely on private donations to function, although some of them receive regional or municipal funding to take care of stray animals, for example.

Under provincial legislation, these organizations can receive funding set aside for costs incurred in caring for neglected animals.

One of the questions raised by this bill is whether the restitution element of fines imposed for animal cruelty convictions should be given to these organizations. We will have plenty of time to study this aspect.

We all have an unfortunate tendency to downplay the role of humane societies. We know that they offer animals for adoption and applaud their efforts to control stray cat and dog populations. We are less aware, honourable senators, that these organizations are important allies in fighting violence against children, women and the elderly. In fact, people working at humane societies are often the ones to spot violent family situations.

As I explained earlier, there is a definite correlation between animal cruelty and family violence. If I may, I would like to describe a situation that humane societies encounter frequently. Someone calls the humane society to report a possible case of animal cruelty. An agent goes to the home to investigate and finds proof of other forms of violence, such as a child with fresh bruises or a woman with a black eye. These findings prompt the agent to file a report with the local child protection agency, which begins its own investigation.

This kind of cooperation often helps break the cycle of family violence. Honourable senators, family violence rarely happens in public. People who suspect it is going on always hesitate to intervene or alert the authorities. Cruelty to animals is often more visible.

The fact that we are debating this issue in the Senate will help build awareness of the problem. It may help people recognize that animal cruelty is a criminal offence and may encourage them to report it.

Before concluding my presentation, I have just another two pages to go. May I have your leave to go on for another five minutes?

Some Hon. Senators: Agreed.

[*English*]

The Hon. the Speaker: You do not have to ask because you have 45 minutes by virtue of a previous house order.

[*Translation*]

Senator Nolin: I will limit my remarks to two minutes, but if my colleagues want to ask me questions for 45 minutes, I will be pleased to answer.

Making the public aware of the link between cruelty to animals and human violence will help promote cooperation among agencies that investigate family and community violence.

As a result, child and family service agencies will be able to take more appropriate action. In introducing this bill, our colleague, the Honourable Senator Bryden, has given rise to a discussion that will send a clear message to Canadians, especially those who feel that acts of cruelty to animals are relatively minor crimes.

Mistreatment of animals is not only repugnant in itself, but it can also be a sign of terrible crimes to come.

Today, we have an opportunity to share our views on this issue with Canadians. Together, we can demonstrate that we are aware of the work done by the men and women who care for mistreated animals and investigate suspected cases of animal cruelty.

I would like to make one final remark of a political nature about the bill.

• (1640)

As we all know, minority governments have for all intents and purposes become the norm in recent years. Consequently, all parliamentarians must guarantee that they have multi-party support for proposed legislation.

The objective of dealing with the issue of cruelty to animals is, in my view, shared by my colleagues in this chamber as well as by our parliamentary colleagues in the other place. Those of us who, over the years, have participated in the work of the Senate Standing Committee on Legal and Constitutional Affairs will remember the tens of thousands of e-mails received from all over Canada urging us to adopt proposed measures to eliminate cruelty to animals.

We were right not to accept all the proposals made, but the one before us has the merit of having gained the approval of almost all segments of our society. For this reason I encourage you, honourable senators to support this new legislative measure. I wish to thank Senator Bryden for reintroducing it.

On motion of Senator Tkachuk, for Senator Stratton, debate adjourned.

[*English*]

STATUTES REPEAL BILL

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-202, to repeal legislation that has not come into force within ten years of receiving royal assent, with an amendment) presented in the Senate on June 15, 2006.—(*Honourable Senator Oliver*)

Hon. Donald H. Oliver moved the adoption of the report.

He said: Honourable senators, Bill S-202, the short title of which is the "Statutes Repeal Act," is an example of how perseverance can pay. Senator Banks has been persistent with this bill through three Parliaments, and it should, with a bit of luck, pass here soon and be sent to the other place. Senator Banks has shown what perseverance can do.

Hon. Senators: Hear, hear!

Senator Oliver: The goal of Bill S-202 is to prevent legislation that has received Royal Assent but not been brought into force from sitting on the books indefinitely. The bill would not apply to acts that come into force upon Royal Assent or acts that come into force on a day or days specified within the legislation.

In many cases, however, acts or provisions within acts come into force on a day to be fixed by the Governor-in-Council. Unless either the Senate or the House of Commons takes action, Bill S-202 would cause these acts to be automatically repealed if they have not been brought into force within 10 years of receiving Royal Assent.

There is an exception for provisions that have been amended before this bill comes into force.

[*Translation*]

The repeal process envisaged by Bill S-202 begins on any of the first five days on which each House of Parliament sits in every calendar year. The Minister of Justice has tabled, in the Senate and in the House of Commons, a report listing every Act of Parliament or provision of an Act of Parliament that was assented to before the December 31 preceding and that had not come into force.

[*English*]

Any act or provision that was listed in the annual report and that has still not come into force by the end of that year would be repealed as of December 31 unless either chamber adopts a resolution that the act or provision not be repealed. A transitional clause provides that any provision that was not in force and that would have been repealed under the preceding procedure will

not be repealed if it has been amended in the intervening nine years. Any provision necessary for the amended provision to have effect will also not be repealed. This applies only to amendments made before this bill comes into force.

In order to provide transparency, this bill requires the Minister of Justice to publish a list each year in the *Canada Gazette* of all acts or provisions of acts that were repealed on the previous December 31.

Finally, an order to allow the government the time it perhaps needs and considers necessary to anticipate the consequences of a bill such as this and to be prepared for it, Bill S-202 will not come into force for two years after it receives Royal Assent. Thus, the first acts or provisions within acts will not be repealed for over three years following Royal Assent of Bill S-202.

Over time, the Standing Senate Committee on Legal and Constitutional Affairs has studied this bill in depth. The committee is satisfied that the bill accomplishes its goal and that it does so in a manner both efficient and flexible.

An important aspect of parliamentary democracy is reflected in Bill S-202. As legislators, we pass numerous bills. We understand that many, perhaps the vast majority of these, cannot come into force immediately because regulations need to be drafted, procedures developed, training carried out, and so on. However, as parliamentarians, we expect that these bills that we have carefully studied and passed will eventually come into force in due course. When the executive, however, fails to bring them into force, parliamentarians are entitled to be told the reason or to assume that the laws are no longer required. The bill implements this particular philosophy.

Honourable senators, following the presentation in Parliament each year of the list containing the acts or provisions that have not been brought into force in the previous nine years, the government has a number of ways of proceeding. It may bring the statute or provisions into force. It may amend the legislation and bring the amended version into force. It may introduce new legislation that would be similar but more reflective of events that may have taken place in the ensuing decade, or a member of Parliament or any parliamentarian may introduce a resolution deleting an act or a provision from the list. If the resolution is passed by either House of Parliament, repeal is forestalled until the following year.

Honourable senators, we believe this bill strengthens the accountability of the government to Parliament. The options open to the government give it the flexibility it needs to cover the various bona fide reasons that may exist for not repealing the acts or provisions on the list, while at the same time the bill asserts the principle that Parliament passes laws intending that they be implemented.

If the government fails to bring legislation into force and does not take action or present a cogent reason for its inaction, then the act or provision will be repealed as no longer representing the will of Parliament.

[Senator Oliver]

Honourable senators, one tiny amendment was made in committee which was strictly technical in nature. It was the word "it." "It" was replaced by the words "the amended provision" to clarify the application of clause 5.

I urge all honourable senators to support this amendment and this bill.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the report?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1650)

STUDY ON ISSUES DEALING WITH DEMOGRAPHIC CHANGE

REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *The Demographic Time Bomb: Mitigating the effects of Demographic Change in Canada,* tabled in the Senate on June 13, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

He said: Honourable senators, I will begin by saying how crucial and timely this report of the Standing Senate Committee on Banking, Trade, and Commerce, *The Demographic Time Bomb: Mitigating the effects of Demographic Change for Canada* was considered by all members of the committee to the future welfare of all Canadians. This report addresses the looming damage and impact to the Canadian economy because of our aging population. There is little time to turn around the ship of state. If we have learned anything in the Senate, it is that it takes time to change entrenched government policies and private sector practices. There are 10 comprehensive recommendations based on the startling evidence we heard from witnesses from both Canada and the United States. I thank the witnesses for taking the time to come to Ottawa to share their thoughts and expertise with the committee. Their testimony was a wakeup call to our committee and hopefully all governments, businesses, unions and institutions. This future is virtually upon us, we were told.

I want to thank as well the large number of honourable senators, 20 in all, who participated in aspects of this report and, in particular, those who currently sit on the committee and actively debated its final recommendations. I want to commend our former clerk, Gérald Lafrenière, our present clerk, Line Gravel, and our research staff led by June Dewetering, who once again did a creative job of knitting together this coherent panorama of recommendations.

I would like to pay special tribute to and thank the Deputy Chairman of the Standing Senate Committee on Banking, Trade and Commerce, my friend Senator Angus, for his tireless efforts and support as we undertook these concise yet complex hearings.

Honourable senators, this is an important slice of public policy — how to protect Canada from the looming negative impact of aging. We must act now to remediate the obvious problems looming in the near future if we are to continue to grow individual household incomes.

As I said, the report contains 10 recommendations that we hope will help ameliorate the undesired effects of demographic change that lies ahead. It is an economic time bomb, and everyone — governments, private sector unions, the educational community and all institutions — need to agree to the facts as they relate to their organizations and then undertake to do their part in helping to defuse this bomb.

I will give only a few facts and figures to provide some context of the committee's report and the reasons we believe it is critically important that action be taken now.

Fact 1: Canada's birthrate is about 40 per cent lower than the level needed to avoid long-term depopulation.

Fact 2: By 2031, about 25 per cent of Canadians will be 65 years or older, about double the current 13 per cent.

Fact 3: Since 2002, immigration has represented more than 60 per cent of the population growth in Canada. To say the least, it will be more difficult for Canada to attract qualified immigrants in the future.

Fact 4: It is predicted that by 2030 there will be 40 retirees for every 100 working persons, up from 21 for every 100 in 2003.

This report is replete with revelations. I think you get the gist of what I am talking about; we are facing a demographic time bomb. We need to wake up to that reality and take actions now.

There are a couple of areas I would like to bring to the attention of the Senate. A number of the committee's recommendations are directed to the need to provide incentives and remove disincentives for people to work and to work longer hours if they so choose. I am referring not only to the notion that we need to give older workers the opportunity to work beyond what is considered the normal age of retirement without penalty, if that is what they want. I am referring as well to the need to give everyone a full opportunity to participate in the labour force in the manner and level of their choosing — Aboriginal Canadians, persons with disabilities, immigrants, and especially women. Our employers will face labour shortages in the years ahead. Increased labour force participation is but one means by which employers can be assisted in meeting their needs for their employees. We need plans now to increase our workforce in the future.

We must pay particular attention to women, and examine the difference between Canada and the United States in terms of participation of women in the work force and the differences in fertility rates. These issues are begging for more detailed policy analysis. Why is there such a variance in fertility rates between our two countries? Why the variances between regions in Canada as pointed out only last week by Statistics Canada in their report?

It is this desire to provide incentives, and remove disincentives, to work that form the very basis of a number of the committee's recommendations, specifically those that involve amendments to the Income Tax Act, the Canada Pension Plan, the Old Age Security Act and the Canadian Human Rights Act.

We considered personal tax changes; allowing people to get pension income and employment income simultaneously; allowing deferral of retirement benefits with appropriate actuarial adjustments; and ensuring that those covered by the Canadian Human Rights Act who want to work beyond the normal age do not face the discrimination they do now.

Gender discrimination within all segments of the workforce needs more careful microanalysis if we are to increase our productivity, participation in the workforce and increase household incomes.

This has led to a repeated call for action that we think is critical. It builds upon the work of the committee that we completed last year when we tabled a report on productivity. In this report we recommend once again that the federal government implement the recommendations contained in our June 2004 productivity report.

Honourable senators, I agree with the OECD when it says that a key challenge presented by Canada's aging population is maintaining steady improvements in living standards despite increases in old age dependency ratio.

Like a number of our witnesses, I believe that productivity improvements are a critical tool in seeking to raise living standards for all Canadians that Canadian families want and deserve. That is the recommendation of one year ago, and it continues to be valid and will continue to provide a plan for action now.

This is not a topic, honourable senators that will grab media attention. I want to commend *The Globe and Mail* for their lead editorial yesterday, which focused on the essence of our report. The rest of the media is preoccupied, unfortunately, with the present. It requires diligence to think these changes through and to make these complex changes to the way our society thinks about our workforce. The conventional wisdom of muddling through just will not work. It will take leadership and intelligence to make these necessary changes now. Our committee is dedicated to follow-up, to prod until the ingrained habits in the workforce and worker participation and productivity work in a much more appropriate direction.

Finally, but not least, let me take this opportunity to thank Senator Massicotte, who urged the committee to study this very important topic of demographic change in Canada and who worked to enhance the clarity of our report and, more important, how we avert this looming time bomb and what we can do now to manage these negative side effects.

I urge all senators and all chairs of committees to read the report — it is not very long — and consider our recommendations and consider more detailed follow-up recommendations in their future reports. We need a coordinated approach of all Senate committees to advance these vital goals that affect each and every committee of the Senate.

Few in this Parliament will benefit from our reforms, but our children and their children will not enjoy even the same current standards of living unless we move now and we move together.

[*Translation*]

Hon. W. David Angus: Honourable senators, I would like to add a word following the remarks of our colleague, the Honourable Senator Grafstein, concerning our report tabled last week, entitled *The Demographic Time Bomb: Mitigating the Effects of Demographic Change in Canada.*

• (1700)

[*English*]

This report, as the honourable senator stated, is not to be taken lightly. I do not know whether the leading editorial in *The Globe and Mail* yesterday was included by accident but allow me to read the first few lines. It states:

> Despite its suitably alarmist title, The Demographic Time Bomb, the recent Senate report on Canada's aging work force, has received virtually no public attention. And that is a shame. Grappling with the challenge of how to keep aging baby boomers in the work force, the Senate banking committee has sensibly urged governments to reduce financial incentives to retire early, and to substitute inducements to retire later.

The report of the committee, which contains 10 clear and specific recommendations, is the result of round table discussions held on October 19 and 20, 2005. The round table was convened by the committee for two reasons: first, to try to highlight the dramatic demographic change that soon will face Canadians; and, second, to identify various specific actions that we feel might be taken now to mitigate the economic, social and financial consequences that will surely accompany this change.

Honourable senators, to put the matter into better perspective, I cite the following statement by the Auditor General of Canada, Ms. Sheila Fraser, when she wrote to the committee underlining the importance of the problem. She stated:

[*Translation*]

> The demographic die is cast: there is little we can do to reverse or even slow the ag(e)ing of Canada's population over the coming decades. But it is certainly within our power to plan better for it. And better planning begins with better information concerning the long-term fiscal implications of the coming demographic shift.

[*English*]

Honourable senators, the evidence received from the various witnesses clearly confirms the Auditor General's observations: We are living longer and our families are having fewer children. That is the simple fact. Statistics Canada told the committee that the life expectancy for males born in Canada in 2005 is 77 years and for females approximately 82 years. A fertility level of 2.1 children per woman is required for population replacement. However, Canada has not had this level since 1971. Currently, the fertility level in Canada is 1.5. According to the New America Foundation, Canada's birthrate is about 40 per cent below the level needed to avoid long-term population loss.

Dr. Jacques Henripin, Professor Emeritus at the University of Montreal, testified before the committee that Canada is in the process of becoming one of the least fertile nations.

[*Translation*]

> Canada is in the process of becoming one of the least fertile countries. ... I think we should be every bit as worried about the rate at which fertility is plummeting, as we would be were the same trend suddenly to appear amongst the animal population.

[*English*]

If we were to notice a sudden decrease in the population in the animal kingdom, we would be damn worried, and it is happening to us.

Interestingly enough, the proportion of so-called elderly persons, age 65 and over, was 8 per cent in 1971 and is 13 per cent currently. By 2031, about 25 per cent of Canadians will be aged 65 or older. By 2024, deaths will exceed births, although immigration might sustain low levels of population growth until 2040. In the view of the Chief Actuary of Canada, after 2030 any and all projected population growth will be the result of net immigration. Statistics Canada has a similar view. It noted that since the early 1990s, international migration has been the main source of population increase in Canada. Since 2000, it has represented more than 60 per cent of the observed population growth and might soon account for all growth if fertility rates continue to remain low.

In approximately 10 years, one in five Canadians will be a visible minority. The committee was told that increasingly, Canadian immigrants are from Asia and Middle Eastern countries, although Chinese and South Asian immigrants remain the largest minority groups.

A number of witnesses also indicated that immigration will not solve all the challenges that are likely to be experienced with this demographic change in our country. Fertility rates are plunging throughout the developing world so that the supply of potential immigrants to Canada will be more constrained than in the past. Competition from other aging societies for qualified immigrants will increase significantly.

Although immigration can contribute to population growth, it has a marginal impact on population aging. Typically, immigrants arrive on our shores not as infants but as adults, which means that immigrants do far less to rejuvenate our Canadian society. Also, statistics demonstrate that immigrants

are having fewer children than in the past and among those who have lived in Canada for more than 10 to 14 years, the average fertility rate is the same as our national average of 1.5 children per family.

Now, let me turn my attention to the baby boom generation, generally thought to be Canadians born between 1946 and 1966. This generation is likely to be the most influential age cohort with respect to future demographic change. The retirement of this generation will have significant labour market consequences. Today, the majority of baby boomers are of working age but, beginning in 2011, the baby boomers will reach retirement age. Over the next two decades, successive cohorts of this generation will become 65 and over. The Chief Actuary of Canada indicated that by 2030 most baby boomers will be retired.

Some demographic change will have an impact on the "dependency ratio." Changes in the relative size of the working-age and non-working-age populations will have implications for economic growth, federal finances and spending, as well as financial and labour markets, just to name a few. Canada's regions will also be affected, both urban and rural sectors, but in different ways. According to the Chief Actuary, the dependency ratio is expected to increase. In 2003 there were 21 retirees for every 100 persons of working age. By 2030, it is predicted there will be 40 retirees for every 100 working-age persons.

Honourable senators, we hope that our report and our comments here today have succeeded in sensitizing you to the nature and extent of Canada's ticking demographic time bomb. That is why, to mitigate this threat, we have made the following recommendations:

[*Translation*]

Incentives for individuals to engage in labour market activity are needed, and institutional and financial disincentives to work must be removed; incentives for businesses to invest in productivity-enhancing tools must be enhanced; the integration of immigrants into Canadian society must be facilitated; incentives to save must be improved; federal fiscal management must remain sound; federal financing of healthcare and public pensions must be sustainable; and productivity growth must be enhanced.

[*English*]

Honourable senators, the recommendations in our report are reasonable and doable. I invite all to make time to review this important report. I have no doubt that the demographic change issue, and issues around it, will become more and more critical for all during the next decade.

Hon. Wilbert J. Keon: Would the Honourable Senator Angus entertain a question?

Senator Angus: Yes.

Senator Keon: I read the report of the committee and it seems to deal with a tremendous anachronism. Planet Earth cannot support the population on it. People in many nations are starving and so are searching for some method of population control.

• (1710)

In the developed world, which is the majority of countries — I believe it is 40-some out of 60-some — they all share this same problem. However, it seems dangerous that people have been advocating increasing reproduction. I think there are natural forces here that are at work trying to control the global population.

Looking at the global scene, would honourable senators think it is a great idea for us to encourage Canadians — and, in particular, people in certain provinces in Canada — to try to reproduce at a higher rate?

Senator Angus: I have too much respect for Senator Keon to be induced into discussing the "F" word here. My friend, Senator Grafstein and I debated long and hard about how much we should go into "fertility" in the report.

I want the honourable senator to know that fertility is an issue, but it is not the only issue. Senator Keon has raised many moral and ethical issues. The problem and the challenge is the natural evolution, socio-economically or geopolitically, of our society. The baby boom brings the issue into perspective because events happen quickly.

What is happening is that we are living much longer, as these numbers show. When we were children, we were worried about our parents putting their parents in homes at age 65. In many cases now, our mothers and fathers are still alive and we have to care for them at our age. The number of people on the rolls that need to be looked after is increasing while the number of those working is going down fast.

What is the solution? We are not saying that we know the solution. We are suggesting a series of things, based on what the witnesses told us, of ways to mitigate the problem. Maybe we should not have mandatory retirement at age 65 or 60. Maybe we should work four-day weeks but work longer. Maybe we should ignore the people who say we are a bunch of old sleepy senators and we should get out at 75; maybe we should go to 90. When I speak on Bill S-4, I will recommend that we get back to no limit on the age.

This is the kind of world in which we find ourselves. We are trying to sensitize, honourable senators, before we make a big mistake on Bill S-4 and other related laws, that this is a real problem. We have to look at our pension laws and all of the measures that are in place, such as caring for the aged and the health care system; it is all in play here and it is in play big time. The witnesses were quite scary in what they said. We have tried to keep the tone very moderate.

Hon. Lowell Murray: I wonder if Senator Angus would take a question.

Senator Angus: Yes.

Senator Murray: After Senator Keon gave his rather Malthusian analysis of overpopulation of the world, and in reference to the fact that there was a danger in encouraging

fertility in this country, he added, "especially in some provinces." I wonder if Senator Angus happens to know in which provinces Senator Keon would encourage people to procreate and in which provinces he would discourage them from doing so.

Senator Angus: Senator Murray is too smart to try to deflect from Senator Keon to Senator Angus on that one.

The business of child care came up. The government has a new program that is controversial. It is enshrined in the budget and there are different ways we can look after children today.

The Minister of Finance was pretty interesting last night. He said, "I have three sons, all aged 15." You are thinking, how can they all be aged 15? He has triplets. Then Senator Rompkey — I am not sure if he is in the chamber now — raised the question of the social challenges with children. His thesis was that children should get out into daycare centres where they will have interaction with other children and learn some social skills.

However, in the good old days in "la belle province," where I grew up, there were 18 kids in a family. They did not need to go to daycare to learn how to interact and get along with their fellow men and women. That is interesting, though.

[*Translation*]

The Hon. the Speaker: Are honourable senators ready for the question? Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

[*English*]

POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Tardif calling the attention of the Senate to questions concerning post-secondary education in Canada.—(*Honourable Senator Segal*)

Hon. Wilfred P. Moore: Honourable senators, it is my distinct privilege to rise today to speak to Senator Tardif's inquiry on the state of post-secondary education in Canada. This has been an issue which I have been championing in this chamber over the years and I am pleased to see that the importance of this issue is shared by Senator Tardif and other colleagues.

It is clear that we must now address the post-secondary education system in Canada. The evidence shows that a university educated workforce accounts for up to 20 per cent of the growth in total output in G7 countries. Investment in OECD countries positively correlates with the extent of post-secondary education in the workforce, such that each additional year of education raises output per capita by 6 per cent.

The fact that Canada has no immediate plan to address this issue is staggering indeed. The phrase "post-secondary education" did not make its way into Budget Plan 2006. Should this fact alarm us? After reading Senator Tardif's speech, I would say that we should be more than alarmed at this moment. A call for leadership has gone ignored.

As I stated earlier, we in this chamber have been discussing this situation for decades, and it is always disappointing when the priorities in the other place do not include post-secondary education. This should be a constant and annual policy priority, and it should always rank in this country's top five policy priorities.

In Atlantic Canada, we have been emphasizing the importance of the knowledge-based economy, and our place in it, over the past decade. In my time in Ottawa, our Atlantic Liberal caucus authored two papers detailing what should be done to provide funding to knowledge-driven industries in our region. I must say that our recommendations, which were contained in "Catching Tomorrow's Wave" and "The Rising Tide," have been a great success. Those papers spawned the Atlantic Innovation Fund, which has been a force in federal investment in research in Atlantic Canada. Work has been done; much more is required.

I recently attended a meeting of the Association of Atlantic Universities, where a report entitled *Smarter Together: The Economic Impact of Universities in the Atlantic Provinces*, was released. I have a copy of that report, one in each of our official languages, and I should like to have the permission of the Senate to table it.

The Hon. the Speaker: Is leave granted for the document to be tabled?

Hon. Senators: Agreed.

Senator Moore: This culmination of six months of study details the importance of the university community to the Atlantic region. This study illuminates the economic and social impact of universities in Atlantic Canada.

• (1720)

I would like to share with you some of the findings of the report. The impact of our 17 universities on the lives of the people of the Atlantic region goes beyond what I expected, so much so that I submit our universities, as the drivers of our knowledge-based economy, may be our largest industry — to the tune of $4.4 billion per year, based on direct and indirect expenditures. I wish to emphasize the significance of some elements of this fact.

According to the report, universities in Atlantic Canada employ 16,655 faculty and staff. Also 3,000 to 4,000 students work as researchers. This number of employees can add up to 15 per cent to 30 per cent of the workforce in smaller university towns in the region. This number is huge.

The study also puts these numbers in the context of other industries that exist in each particular town. For example, Memorial University of Newfoundland in St. John's is the second largest employer behind the provincial government. The University of Prince Edward Island employs the same number as

such sectors as finance and insurance. These universities can represent up to 50 per cent of the income generated in smaller towns. The jobs are stable and well paying. These numbers combined with the money spent by universities in their communities and the money spent by students add up to $2 billion in direct spending — more than any single industry.

The report echoes numbers mentioned by Senator Tardif as well. For example, a university degree in Atlantic Canada translates into earnings of 60 per cent more than those of a high school graduate. Atlantic Canada, as I have mentioned in previous speeches, does not possess the financial backing from the private sector as far as investing in research and development. We simply do not have a large corporate community to call upon. Nor does the private sector provide a great deal of research in the region. The universities are the prime generators of research.

The main source of investment in this research and development comes from the federal government in the form of research council grants, the Atlantic Innovation Fund or the research foundations. These projects are primarily peer-reviewed and approved. Thus, it is incredibly important for Atlantic Canada that all levels of government have a commitment to investing in universities in the region as well as a plan as to how to best direct this investment.

I have a few thoughts of my own on this subject. The importance of the matter at the federal level should be demonstrated with changes in how we treat post-secondary education. In the realm of post-secondary education, there exist no conditions associated with federal cash transfers to the provinces. Witness the Government of Nova Scotia, my province, cutting its post-secondary funding upon students receiving federal millennium scholarship grants. That is shameful!

This problem still exists today. We have no means for accounting for the federal dollars that are transferred to the provinces for education purposes via block funding. This is precisely the time for the federal government to take the lead in this area. While we often hear that education is a provincial responsibility, it has been proven in the past that when it is to the benefit of each province and territory, and the nation as a whole, agreements between the two levels of government have been entered into. Witness the 2003 health accord, whereby the health component was separate from the Canadian Health and Social Transfer to provide greater transparency and accountability for how federal funds for health care are spent by the provinces. I urge the federal government to separate the educational component from the Canada Social Transfer to create the Canadian education transfer, thereby providing greater transparency and accountability for how federal funds for education are spent by the provinces.

The federal government spends approximately $9 billion per year on education and research under all its funding programs. With such a substantial expenditure there area should be a dedicated portfolio to administer this national wealth.

I again urge that a ministry of post-secondary education and research be created to provide the leadership that is desperately needed. That ministry could ensure a stable and predictable level of funding for post-secondary education so that our universities can budget and plan with certainty. Only the federal government has the ability to establish and protect such national funding standards.

There needs to be a sea change in the manner in which we perceive the benefits of a post-secondary education. The trend lately has been to isolate the student as the major recipient of these benefits and, as the policy of the 1990s demonstrated, to shift the weight of financial burden to those students as well. This precedent is very dangerous and we are reaping the negative benefits of this policy today. Leaving the funding up to students will see annual tuition rate increases, and inevitably a lower participation rate as these fees become unmanageable debts upon graduation.

The result of the natural extension of this situation will be that a post-secondary education will be available to only the rich rather than to those qualified academically.

That, honourable senators, is not the system that Canadians want or deserve, nor does it, in any way, benefit this country. As we have heard over and over again, the more educated we are, the more productive, competitive and well off we will be as a nation.

I am reminded of a report from the Caledon Institute, a local think-tank, entitled, *Education and the Public Good*. Does anyone here remember or recall the term "public good? You do not hear it around here much these days. Terms such as "asymmetrical federalism," "fiscal imbalance" or is it "fiscal balance," seem to be the catch phrases. While that report dealt more with public schools, I think the lesson can be applied to our post-secondary education system as well.

"Education should be treated as an asset is the title of one section. We have fallen into the trap of regarding the university system as a burden but we cannot afford to do so. The report quotes John Ralston Saul who states:

> From a book keeping point of view it is a clear liability. A golf ball, by contrast, is considered an asset and the sale of it is a measurable factor of growth.

I believe the transfer of knowledge to be the ultimate virtue. We must do more to assist and encourage our university students and their teachers who labour in the love of learning.

The aforementioned report of the Association of Atlantic Universities clearly demonstrates the dollars and economic impact involved. It really is time to think of the money that we appropriate to our post-secondary education system as an investment in the future of Canada — our citizens, environment, science and technology, industry and health. That investment will reap dividends that we are just beginning to comprehend. We cannot continue to put off addressing this most fundamental national policy, that of post-secondary education. In the words of Senator Tardif:

> ...waiting for one year or more might be the difference between Canada being a global player and a global pretender.

Let us get at it now.

On motion of Senator Segal, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2005 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Stollery:

That the following Resolution on Combating Anti-Semitism which was adopted unanimously at the 14th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Washington on July 5, 2005, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than October 30, 2006:

RESOLUTION ON COMBATING ANTI-SEMITISM

Recalling the resolutions on anti-Semitism by the OSCE Parliamentary Assembly, which were unanimously passed at the annual meetings in Berlin in 2002, in Rotterdam in 2003 and in Edinburgh in 2004,

1. Referring to the commitments made by the participating states emerging from the OSCE conferences in Vienna (June 2003), Berlin (April 2004) and Brussels (September 2004) regarding legal, political and educational efforts to fight anti-Semitism, ensuring "that Jews in the OSCE region can live their lives free of discrimination, harassment and violence",

2. Welcoming the convening of the Conference on Anti-Semitism and on Other Forms of Intolerance in Cordoba, Spain in June 2005,

3. Commending the appointment and continuing role of the three Personal Representatives of the Chairman-in-Office of the OSCE on Combating Anti-Semitism, on Combating Intolerance and Discrimination against Muslims, and on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, reflecting the distinct role of each in addressing these separate issues in the OSCE region,

4. Reaffirming the view expressed in earlier resolutions that anti-Semitism constitutes a threat to fundamental human rights and to democratic values and hence to the security in the OSCE region,

5. Emphasizing the importance of permanent monitoring mechanisms of incidents of anti-Semitism at a national level, as well as the need for public condemnations, energetic police work and vigorous prosecutions,

The Parliamentary Assembly of the OSCE:

6. Urges OSCE participating states to adopt national uniform definitions for monitoring and collecting information about anti-Semitism and hate crimes along the lines of the January 2005 EUMC Working Definition of Anti-Semitism and to familiarize officials, civil servants and others working in the public sphere with these definitions so that incidents can be quickly identified and recorded;

7. Recommends that OSCE participating states establish national data collection and monitoring mechanisms and improve information-sharing among national government authorities, local officials, and civil society representatives, as well as exchange data and best practices with other OSCE participating states;

8. Urges OSCE participating states to publicize data on anti-Semitic incidents in a timely manner as well as report the information to the OSCE Office for Democratic Institutions and Human Rights (ODIHR);

9. Recommends that ODIHR publicize its data on anti-Semitic crimes and hate crimes on a regular basis, highlight best practices, as well as initiate programs with a particular focus in the areas of police, law enforcement, and education;

10. Calls upon national governments to allot adequate resources to the monitoring of anti-Semitism, including the appointment of national ombudspersons or special representatives;

11. Emphasizes the need to broaden the involvement of civil society representatives in the collection, analysis and publication of data on anti-Semitism and related violence;

12. Calls on the national delegations of the OSCE Parliamentary Assembly to ensure that regular debates on the subject of anti-Semitism are conducted in their parliaments and furthermore to support public awareness campaigns on the threat to democracy posed by acts of anti-Semitic hatred, detailing best practices to combat this threat;

13. Calls on the national delegations of the OSCE Parliamentary Assembly to submit written reports at the 2006 Annual Session on the activities of their parliaments with regard to combating anti-Semitism;

14. Calls on the OSCE participating states to develop educational material and teacher training methods to counter contemporary forms of anti-Semitism, as well as update programs on Holocaust education;

15. Urges both the national parliaments and governments of OSCE participating states to review their national laws;

16. Urges the OSCE participating states to improve security at Jewish sites and other locations that are potential targets of anti-Semitic attacks in coordination with the representatives of these communities.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein: Honourable senators, I rise to speak briefly, once again, on this motion respecting the rising spiral of anti-Semitism, the oldest of all prejudices, in Canada and elsewhere around the world. The alarming statistics simply cry out for redress. The largest number of recorded hate incidents across Canada and Toronto continue to be anti-Semitic in nature. This year the number of incidents has ebbed slightly but they remain in historic high numbers since the information was tracked first by B'nai Brith and more recently by some police authorities.

The substance of this motion has been on the Order Paper in the Senate for almost five years. It was briefly considered by the Standing Senate Committee on Human Rights for a few hours, but for some unexplained reason, a report was never completed.

• (1730)

Honourable senators will recall that this resolution was unanimously adopted by 55 states, including Canada, at the OSCE parliamentary assembly in Washington on July 5, 2005, and before that for over five years. The pith and substance of this motion will be revisited once again at the OSCE annual parliamentary assembly to be held this July in Brussels. This issue is not fading away; regretfully it is intensifying. I will table in the Senate any resulting resolution dealing with action to be taken by other member states across the OSCE space that ranges from Vancouver to Vladistock.

All 55 member states of the OSCE fully recognize the ominous re-emergence of the dark and miserable throwback to the dark recesses of history. From the numerous voices that have advocated ideas that can bring redress and, hopefully, a retreat to this rising menace, the following five approaches have been advocated. These approaches are considered results-oriented. Education: Urge teachers, school boards and school officials to develop effective core curricula at all levels of education to remediate the roots of this historic hate. As Elie Wiesel, the Nobel Prize winner, cogently argued in Berlin some years ago, "You can teach a child to love or you can teach a child to hate." Statistics: Most democratic republics do not understand the depth and nature of this problem. Governments are urged to track and publish hate incidences regularly, when and where they occur. The available statistics stem from non-governmental sources and are serious enough to warrant Statistic Canada's annual and regular attention. Policing: Urge more sophisticated policing of hate crimes. Toronto Police Service has led the way internationally and, in conjunction with the OSCE, now trains police forces across the OSCE space on how to investigate, prosecute and deal with hate crimes within their communities. Review our domestic laws to strengthen the rule of law against invidious and hateful conduct and incitement to hate or violence. The last approach is to expose the explosion of websites on the Internet that promote hate and discrimination. On this latter point, pioneering work has been done on child porn and missing children in partnership with the Toronto police department and Microsoft. There are solutions to curbing hate on the Internet without reducing free speech.

I hope that the Standing Senate Committee on Human Rights, if this motion is adopted, will explore these five elements, which can only dilute the impact of hate. We cannot hope to eradicate the roots of these odious prejudices of anti-Semitism, but we can hopefully make a difference.

Some may wonder why my persistence on this topic. Honourable senators, I take this subject very personally. I take anti-Semitism up close and personal since this dismal subject matter is directed to me, my family and my co-religionists personally, right here in Canada.

Honourable senators, I wonder why there is reluctance, in light of the clear evidence of this growing problem in Canada, on the part of the Senate Human Rights Committee to study the problem that goes to the heart of the Canadian idea of equality before the law, equality of our civic society and above all, the freedom from fear. I urge honourable senators to support this motion.

On motion of Senator Segal, debate adjourned.

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY SOFTWOOD LUMBER AGREEMENT—MOTION IN AMENDMENT TO REFER MOTION TO FOREIGN AFFAIRS COMMITTEE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Milne:
>
> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;
>
> That the Committee analyse, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers;
>
> And on the motion in amendment of the Honourable Senator Milne, seconded by the Honourable Senator Ringuette, that the motion be amended by replacing the "." with a ";" after the word "workers" and by adding the following:
>
> "That the committee submit its final report no later than October 2, 2006." (*Honourable Senator Tkachuk*)

Hon. Peter A. Stollery: Honourable senators, I am not certain of the situation. I had hoped the amendment to the motion would be dealt with today because I wanted to move an amendment to the main motion, which is that the subject be sent to the Standing Senate Committee on Foreign Affairs instead of the Standing Senate Committee on Banking, Trade, and Commerce.

As honourable senators are aware, the Standing Senate Committee on Foreign Affairs also deals with foreign trade. It is an important procedural question because we do not want to set precedents that are going to cause this kind of situation.

As I understood this, honourable senators, there is an amendment to the main motion. We have to deal with the amendment to the motion before I can move the amendment that I have just outlined. I am not clear where that leaves me.

The Hon. the Speaker: It is in order to have a subamendment, which is the one to which the honourable senator refers. The present debate is on the amendment. If the honourable senator wants to speak to the amendment, having the floor, the honourable senator may move his subamendment and then we will deal with them all together.

Senator Stollery: I will read the amendment. My amendment is that the motion be amended by replacing the words "Banking, Trade and Commerce" in the second paragraph with "Foreign Affairs."

The Hon. the Speaker: That is really not a subamendment. I think we had better deal with the motion and the amendment.

Honourable senators, are you ready for the question on the motion as amended?

Hon. Senators: Question!

The Hon. the Speaker: Honourable senators, the motion in amendment was the motion of Senator Milne, seconded by Senator Ringuette,

> that the motion be amended by replacing the "." with a ";" after the word "workers" and by adding the following:
>
> That the committee submit its final report no later than October 2, 2006.

Is it your pleasure, honourable senators, to adopt the motion as amended?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion as amended adopted, on division.

The Hon. the Speaker: The motion as amended is now before us. Senator Stollery, I believe, wants to change the name of the committee to which the matter would be referred.

MOTION IN AMENDMENT

Hon. Peter A. Stollery: Honourable senators, I would like to amend the main motion as follows:

> That the motion, as amended, be amended by replacing the words "Banking, Trade and Commerce" in the first paragraph with "Foreign Affairs."

The Hon. the Speaker: It has been moved in amendment by the Honourable Senator Stollery, seconded by the Honourable Senator Corbin, that the motion, as amended, be amended by replacing the words "Banking, Trade and Commerce" in the first paragraph with "Foreign Affairs."

Is that clear, honourable senators?

Hon. David Tkachuk: Is the person who made the amendment speaking to the motion? If he is not speaking on the motion, I would like to move adjournment of the debate.

Senator Stollery: Honourable senators, I apologize for the confusion.

As I have just said, the Standing Senate Committee on Foreign Affairs has spent some time on the issue of settlement mechanisms and softwood lumber. It is a subject that is meant to go to the Foreign Affairs Committee because it is external trade. The Standing Senate Committee on Banking, Trade and Commerce deals with internal trade. That is the explanation.

• (1740)

Senator Segal: I move the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed

An Hon. Senator: On division.

On motion of Senator Segal, debate adjourned, on division.

THE SENATE

MOTION TO URGE GOVERNMENT TO STUDY IMPACT OF LEGISLATION ON REGIONS AND MINORITIES—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Cordy:
>
> That the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.—(*Honourable Senator Comeau*)

Hon. J. Trevor Eyton: Honourable senators, I am pleased to enter the debate on Senator Ringuette's motion. The intent behind the motion is laudable, namely, to ensure that no disadvantaged group or no place in Canada is inadvertently affected by any proposed government legislation without Parliament first being well informed. It sounds simple, and there have been cases where a law was passed that had an untoward impact on regions and minorities. Normally, however, we can count on those people likely to be impacted to let Parliament know their views and opinions.

Consider, for example, the National Energy Program. It did not take an economic impact study to inform us that that program did no favours for the West. The impact was obvious and the provinces and the oil patch were vocal in telling us that the Liberal government of the day had undertaken a destructive, putative and confiscatory policy, all based on questionable assumptions that were soon proved wrong.

The only possible benefit to the West of a study along the lines proposed may have been an extensive delay while the ministers of finance and energy waited for the public service to prepare an in-depth socioeconomic impact analysis. While delayed, the government of the day would have acted no differently in the end.

Unfortunately, my first concern is that there are times when critical laws must be passed in good time. One example is back-to-work legislation. Imagine the costs to our economy of waiting a week, two weeks or three weeks before passing legislation to end a rail strike while someone hastily cobbles together a pro forma socioeconomic impact study. Such a study also runs the risk of forcing a private business to make public the details of its operations. I worry about that.

My second concern is what is meant by a "social and economical" impact study. A social and economic impact study would require an assessment of how proposed legislation will affect both people and related factors such as employment income and economic growth. However, this motion asks for a "social and economical" impact study. While it can mean "pertaining to the economy," the term "economical" more generally means thrifty, careful in the use of resources, not wasteful or expensive. Does the motion ask that the government be economical in preparing a social impact study, or does it seek a social and economic impact study? I wonder.

A proper economic impact study is a quantifiable number-crunching econometric exercise carried out by economists who may themselves require extensive use of external consultants. That large task is compounded by the need to create or collect raw data that may not exist. Factor in a social impact study and the analysis has the potential to balloon way out of shape and common sense quickly.

Nor is it clear what is to be included in a social impact study. Would it deal with matters of sociology, psychology, anthropology or linguistics? Would it be necessary to conduct interviews of people who could be affected by a bill, or could we simply rely upon information already tucked away in various data banks? With no parameters limiting the scope of work, there is a real potential for a doctoral-type thesis for every single bill that is introduced.

Honourable senators, a study is only as good as the data and assumptions that go into it, and assumptions are always subjective. When Paul Martin cut transfers to the provinces for health, education and social services by a third in the mid-1990s, he gave Parliament a province-by-province summary of expected fiscal impacts. To take this any further would have required assumptions about how the provinces would respond. Would those assumptions, and thus the social and economic impact assessment, be anything other than optimistic?

Moreover, this motion is too vague to provide meaningful direction to those preparing the assessments. For example, the text of the motion simply says "minorities" without providing clarification about which minorities. To go back to the traditional role of the Senate, at the time of Confederation the only minorities of concern were defined in terms of English and French, Catholic and Protestant. Presumably the intent of the motion is much broader than that.

Over time we have gone beyond the protection of only the minorities envisioned at Confederation. Through the Employment Equity Act, the Canadian Human Rights Act and the Canadian Charter of Rights and Freedoms, we offer needed protection to a range of Canadians who are either disadvantaged or potentially subject to discrimination, including women, visible minorities, Aboriginals and those with disabilities.

However, this motion offers no guidance as to which minorities it includes and, significantly, it does not include women, who are in the majority compared to men. However, presumably it includes me with my English-Welsh background since I am a part of that distinct minority in my home city of Toronto.

Simply, those who would be called upon to prepare these reports are left without any meaningful direction on who is covered, with the result that they will cover everyone. I worry about that.

What does the motion mean by "regions"? Regions could refer to groups of provinces, areas within provinces, areas that overlap provinces or even, for example, a senatorial region or division. For instance, the proposed Federal Accountability Act will end the right that ministers' assistants currently enjoy to enter the public service without competition. Most of these assistants are located in Ottawa or across the river in Gatineau, with a few located in regional ministers' offices. Would the regional assessment of the bill indicate the impact on the National Capital Region; would the sub-provincial region of Eastern Ontario be shown separately, along with Ontario and Quebec outside of the National Capital Region; or would the data be presented relative to a Senate region?

Might a regional impact assessment include a line that says that a couple of jobs in Atlantic Canada that would have gone to political assistants now will go instead to public servants through competition?

The motion asks for such an impact study to accompany all bills, but what is the value of this study relative to the cost of preparing the analysis? Indeed, as the motion stands there is a huge risk that expenses could spiral out of control. Consider, for example, the business of supply. Four times each year we are presented with an appropriation act to authorize spending set out in the Main Estimates and the supplementary estimates. The votes outlined in those estimates documents become part of the appropriation act. Many of the votes, and thus many of the clauses of the appropriation act, refer to "the grants listed in the estimates." Exactly how does one subject a supply bill to the kind of impact analysis suggested without hiring an army of public servants and consultants to assess such matters as the location of every grant recipient and the spending patterns of, for example, the Inmate Welfare Fund?

Many grants are provided to non-profit organizations. These organizations while headquartered in Ottawa or Toronto, operate throughout the country, with funds from the federal government mixed in with their other revenue sources. The organizations have spending patterns that will change throughout the year based on unexpected needs or on the quantity of project applications.

Does the proposed analysis extend to a comparison of who is likely to receive grants this year as opposed to last year, or the regional impact of changes in departmental spending patterns? If so, how is the proposed analysis to be completed in advance of a supply bill without a major and costly change in the way

departments prepare their estimates? How meaningful is it when departments find they must shift their own spending plans in response to needs that may arise in the course of a given year?

In her remarks, Senator Ringuette referred to internal studies sometimes prepared within a department as part of a policy process that eventually leads to a bill. Parliament is now obliged to back that kind of information when it pertains to matters such as the regional impact of Employment Insurance changes, and that information can be requested readily in committee if it has not been made public previously. However, the motion does not ask to have such analyses tabled when the department has one, but rather asks that an impact study accompany every single bill, regardless of cost or relevance. That procedure, honourable senators, is simply not practical and in some cases would yield little more than superfluous information.

• (1750)

Therefore, we ask ourselves what is the value relative to the costs of a social and economic analysis of Bill C-5, a bill simply confirming through legislation the legal structure of the Public Health Agency, a government entity that the previous government set up through an Order-in-Council as part of a reorganization of existing departments.

Honourable senators, the objectives of the motion are laudable, but I submit it would be a mistake to require social and economic, or, for that matter, economical, impact studies for each and every bill. The likely costs would far outweigh the benefits and would do little toward achieving Senator Ringuette's laudable objectives.

Hon. Pierrette Ringuette: Would the honourable senator please answer questions on his statement?

Senator Eyton: Yes, honourable senator, I would be pleased to do so.

Senator Ringuette: The honourable senator reads an interesting speech on the motion that I put forth. I noticed you said that a study is only as good as the data that goes into it. Could you explain to me why the government would not use good data to study an issue? When you were talking, I picked that up, and I do not understand why you would say that. I find that the government has on hand all pertinent data to do an analysis of legislation.

Senator Eyton: Obviously the government or anyone looking at this would want to look at and assemble the best possible data. The point of the motion is to require a profound study, both economic and socio-economic study, of the bill. It is the idea of having to prepare that kind of study for each bill. All of that requires research.

You refer to data. Of course people want the best possible data, but there are volumes of data on every subject. Selecting that data, assembling, and assessing it is a very difficult process. It is very time-consuming. My remarks suggest that this process is not cost effective. It is just too much work with respect to every bill that may be tabled.

Senator Ringuette: I believe that any responsible government and any minister within government, before tabling any kind of legislation, would certainly require the department to supply an analysis and study on the issue. If that analysis is not performed, Canadian taxpayers should question the value of that government.

You are a businessperson and before any businessperson makes a decision, he or she makes an analysis. Most of the time, the minimum cost of the analysis is worth the gain that you get in your decision.

I would also like to highlight to my honourable colleague that last night, the Minister of Finance attended the Standing Senate Committee on National Finance. I asked him and the very high-ranking official, the Assistant Deputy Minister, if there had been regional economic impact studies done on the budget prior to tabling it. I will quote from the evidence: "We do a lot of studies on economic impact." Then the Assistant Deputy Minister continued in French:

[*Translation*]

> We generally look at the impact of the entire budget on the regions. Some measures are specific, but others are quite general and have an impact on all regions. There are no target regions. Yes, we look at that when we prepare a budget. We look at the big picture.

I then said:

> That is what I thought. That is what all Canadian taxpayers expect to get from a responsible government.

I continued:

> That is what I thought. I could not imagine that our great democracy, with the quality of its officials, could not provide such studies to the minister. Given that we have regional responsibilities, would it be possible for you to submit economic impact studies with the budget so that we in the Senate can conduct a much more complete analysis and provide you with comments accordingly?

[*English*]

Honourable senators, it is done because it must be done so that a responsible government can live up to its commitment. We have a responsibility as senators towards regions and minorities and this motion simply asks that we have access to the relevant economic and social impact studies to every government bill. I have the proof.

The Hon. the Speaker: Senator Eyton, your time is up. If you ask for a few moments, I am sure it would be granted.

Senator Eyton: I will simply reply; it is clear we disagree. There is no question at all that when legislation is tabled, there are valid and good reasons for it. I am not sure they fall into the very generous wording in your motion where you require:

> That the Senate urge the government to accompany all government bills by a social and economical impact study on regions and minorities in accordance to the Senate's role of representation and protection of minorities and regions.

That is a far different exercise, much more difficult and complicated, as I tried to point out, than a government, for good reasons, as it sees them, tabling legislation. As well, I am not aware of any precedent for the type of embracing, all-time requirement that has been suggested. I do not know of any precedent anywhere where this kind of practice is followed. I just have to say that I think we will disagree on this.

Hon. Joan Fraser (Deputy Leader of the Opposition): Question!

Hon. David Tkachuk: I move adjournment of the debate.

Senator Fraser: Before we vote on Senator Tkachuk's motion, might I observe that this item has been on the Order Paper for some time now?

Senator Ringuette: Honourable senator, it has been on the Order Paper for 54 days.

Senator Fraser: Might I ask when the honourable senator would intend to speak to it if we do adjourn?

Senator Tkachuk: I was so moved by Senator Eyton's comments that it may take me a while. I would like to do a lot more work on this motion. The honourable senator across raised some interesting issues as well. With all these new issues being brought to the table, I will answer as soon as possible.

Senator Fraser: I would suggest that "as soon as possible" should be before we leave this place for the summer.

The Hon. the Speaker: Honourable senators, I probably have just enough time to put this motion, and then I have to find out whether we see the clock or not. Perhaps the government leader and the leader of the opposition could advise if we will be seeing the clock at six o'clock.

• (1800)

Hon. Gerald J. Comeau (Deputy Leader of the Government): We will not see the clock if the other side is agreeable.

The Hon. the Speaker: Is it agreeable, honourable senators, to not see the clock?

Senator Fraser: I agree that committees could sit while we not see the clock. I believe on our side we have one speech remaining to be delivered. We will not keep the Senate here for a great deal of time, but I appreciate that committees that have work to do should do it.

Senator Comeau: This side agrees with that proposal.

The Hon. the Speaker: Honourable senators, it is the unanimous decision of this house that we do not the see the clock. Those committees that are scheduled to sit at 6 o'clock have the authorization of the Senate to do so.

Is it your pleasure, honourable senators, not to see the clock?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt Senator Tkachuk's motion to adjourn the debate?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

On motion of Senator Tkachuk debate adjourned, on division.

The Senate adjourned until Wednesday, June 21, 2006, at 1:30 p.m.

CONTENTS

Tuesday, June 20, 2006

PAGE

Visitors in the Gallery
The Hon. the Speaker . . . 553

SENATORS' STATEMENTS

La Société nationale de l'Acadie
One Hundred Twenty-fifth Anniversary.
Hon. Rose-Marie Losier-Cool . . . 553

South Africa
Thirtieth Anniversary of Soweto Uprising.
Hon. Donald H. Oliver . . . 553

Saint-Jean-Baptiste Celebrations
Hon. Lucie Pépin . . . 554

Human Trafficking
Hon. Mobina S. B. Jaffer . . . 554

Canada-Japan Inter-parliamentary Group
Congratulations to the Honourable Daniel Hays and the Honourable Donald H. Oliver on their Appointments as Honorary Chairs.
Hon. Marie-P. Poulin . . . 555

ROUTINE PROCEEDINGS

Senate Ethics Officer
2005-06 Annual Report Tabled.
The Hon. the Speaker . . . 555

Privacy Commissioner
2005-06 Annual Report on Privacy Act Tabled.
The Hon. the Speaker . . . 555

Budget Implementation Bill (Bill C-13)
Report of Committee.
Hon. Joseph A. Day . . . 555

Canada-Africa Parliamentary Association
Bilateral Visit to Mozambique and South Africa, March 21-24, 2006—Report Tabled.
Hon. A. Raynell Andreychuk . . . 555

Canada-United States Inter-Parliamentary Group
CAN/AM Border Trade Alliance Conference, April 30-May 2, 2006—Report Tabled.
Hon. Jerahmiel S. Grafstein . . . 556

The Senate
Notice of Motion to Strike Special Committee on Senate Reform.
Hon. Joan Fraser . . . 556
Hon. Marcel Prud'homme . . . 556
Hon. Anne C. Cools . . . 556

QUESTION PERIOD

Public Works and Government Services
Framework for Procuring Information and Communications Technology.
Hon. Daniel Hays . . . 556
Hon. Michael Fortier . . . 556

PAGE

Distribution of Real Estate in Ottawa-Gatineau Region.
Hon. Jack Austin . . . 557
Hon. Michael Fortier . . . 557
Location of Museum of Science and Technology.
Hon. Jack Austin . . . 557
Hon. Marjory LeBreton . . . 557
Creation of National Capital Region.
Hon. Jack Austin . . . 557
Hon. Michael Fortier . . . 558

Official Languages
Bilingualism in Ottawa Region.
Hon. Jack Austin . . . 558
Hon. Michael Fortier . . . 558

International Trade
Softwood Lumber Agreement—Progress of Negotiations.
Hon. Jack Austin . . . 558
Hon. Marjory LeBreton . . . 558

Official Languages Commissioner
Appointment of Replacement.
Hon. Claudette Tardif . . . 558
Hon. Marjory LeBreton . . . 559
Hon. Marcel Prud'homme . . . 559
Hon. Maria Chaput . . . 559
Hon. Percy Downe . . . 559

Public Safety
Firearms Centre—Repeal of Long-Gun Registry—Lifetime Licensing System.
Hon. Joan Fraser . . . 559
Hon. Marjory LeBreton . . . 559

Delayed Answer to Oral Question
Hon. Gerald J. Comeau . . . 560

Agriculture and Agri-Food
Farm Income—Support Programs.
Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 560

Answers to Order Paper Questions Tabled
Human Resources and Social Development—Employment Insurance Act—Compassionate Care Leave Benefit.
Hon. Gerald J. Comeau . . . 561
Heritage—Federal Museums Assistance Program.
Hon. Gerald J. Comeau . . . 561

The Senate
Tribute to Departing Pages.
The Hon. the Speaker . . . 561

ORDERS OF THE DAY

Agricultural Marketing Programs Act (Bill C-15)
Bill to Amend—Third Reading.
Hon. Leonard J. Gustafson . . . 561

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Continued.
Hon. Maria Chaput . . . 562
Hon. David Tkachuk . . . 563
Hon. Jack Austin . . . 564
Hon. Lowell Murray . . . 567
Hon. Hugh Segal . . . 568
Hon. Anne C. Cools . . . 569
Hon. George Baker . . . 569

PAGE

Pubic Health Agency of Canada Bill (Bill C-5)
First Reading.
The Hon. the Speaker . . . 570

Drinking Water Sources Bill (Bill S-208)
Second Reading—Debate Continued.
Hon. Janis G. Johnson . . . 570
Hon. Jerahmiel S. Grafstein . . . 571

National Philanthropy Day Bill (Bill S-204)
Second Reading—Debate Continued.
Hon. Andrée Champagne . . . 571
Hon. Jerahmiel S. Grafstein . . . 572
Hon. Marcel Prud'homme . . . 572

Criminal Code (Bill S-213)
Bill to Amend—Second Reading—Debate Continued.
Hon. Pierre Claude Nolin . . . 573

Statutes Repeal Bill (Bill S-202)
Report of Committee Adopted.
Hon. Donald H. Oliver . . . 575

Study on Issues Dealing with Demographic Change
Report of Banking, Trade and Commerce Committee Adopted.
Hon. Jerahmiel S. Grafstein . . . 576
Hon. W. David Angus . . . 578
Hon. Wilbert J. Keon . . . 579
Hon. Lowell Murray . . . 579

PAGE

Post-secondary Education
Inquiry—Debate Continued.
Hon. Wilfred P. Moore . . . 580

Human Rights
Motion to Authorize Committee to Study Organization for Security and Co-operation in Europe 2005 Declaration on Anti-Semitism and Intolerance—Debate Continued.
Hon. Jerahmiel S. Grafstein . . . 583

Banking, Trade and Commerce
Motion to Authorize Committee to Study Softwood Lumber Agreement—Motion in Amendment to Refer Motion to Foreign Affairs Committee—Debate Continued.
Hon. Peter A. Stollery . . . 583
Motion in Amendment.
Hon. Peter A. Stollery . . . 584
Hon. David Tkachuk . . . 584

The Senate
Motion to Urge Government to Study Impact of Legislation on Regions and Minorities—Debate Continued.
Hon. J. Trevor Eyton . . . 584
Hon. Pierrette Ringuette . . . 586
Hon. Joan Fraser . . . 587
Hon. David Tkachuk . . . 587
Hon. Gerald J. Comeau . . . 587

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 26

OFFICIAL REPORT
(HANSARD)

Wednesday, June 21, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, June 21, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators we are pleased to have present in our gallery Ms. Marilyn MacDonald Forrestall, wife of the late Honourable J. Michael Forrestall. Soon to join us in the gallery will be General Rick Hillier, Chief of the Defence Staff. We wish to thank you for being in the Senate gallery during our modest tribute to our former colleague.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE J. MICHAEL FORRESTALL

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Government, who requested, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable J. Michael Forrestall, whose death occurred on June 8, 2006.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it is with great sadness I rise to pay a tribute to a dear colleague, Senator Michael Forrestall, who passed away June 8. Although I know Senator Forrestall was admired by all who knew him, it is especially hard for those of us on this side of the chamber to lose such a thoughtful, intelligent man who provided his colleagues with a considerable amount of sound advice over the course of many, many years. We shall surely miss his counsel and friendship very much.

Michael Forrestall was born in Deep Brook, Nova Scotia, and was tremendously proud of his Maritime roots. After receiving an education at St. Mary's University, he briefly worked as a journalist with *The Chronicle Herald* in Halifax before embarking on a career in politics. This career would become his life's work.

Few parliamentarians can boast of a level of electoral success similar to that of Mike Forrestall. He was first elected to the House of Commons in 1965 as the Member of Parliament for Halifax. Mr. Diefenbaker was the leader. The election was called in September 1965, for November. I was working with Mr. Diefenbaker and I remember that was the first time I met Mike Forrestall.

In 1968, he was elected to represent the riding of Dartmouth—Halifax East and he was re-elected in the next five federal elections. For 23 years, Mike Forrestall served his constituents the only way he knew how: with hard work and a deep commitment to public service.

In the other place, he was defence critic for the official opposition, and then under the Mulroney government, the parliament secretary to the Minister of Transport, the Parliamentary Secretary to the Minister of Regional Industrial Expansion and the Parliamentary Secretary to the Minister of State for Science and Technology.

Michael Forrestall was appointed to the Senate of Canada in 1990 by former Prime Minister Brian Mulroney. The strong work ethic he displayed as a member of the House of Commons continued here in the Senate. During his almost 16 years in this place, Senator Forrestall served as a member of almost every standing committee.

• (1340)

Honourable senators, I could not begin to pay adequate tribute to Senator Forrestall without emphasizing his deep admiration and constant support for the men and women of the Canadian Armed Forces. He was a tremendous advocate on their behalf. This was particularly evident during his work as Deputy Chair of the Standing Senate Committee on National Security and Defence. Honourable senators will well remember his tenacity in asking questions related to the Armed Forces, and particularly the replacement of the Sea King helicopters, during many of our Question Periods. I am sure Senators Austin, Carstairs and Fairbairn have vivid memories of these exchanges, and being on the receiving end of his very pointed questions.

For 40 years Senator Forrestall was completely dedicated to his work on Parliament Hill in service of his beloved Nova Scotia and Canada. His career serves as a model for all who aspire to public service, not just because of its longevity, but because of the integrity and decency he brought to it.

Senator Forrestall was a good man and he lived a good life. On behalf of all his caucus colleagues in this chamber and in the other place, I offer sincere condolences to his wife Marilyn and his children, and to his loyal and faithful staff.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, like many of us, I had heard from different sources that Senator Forrestall had been hospitalized in Halifax, suffering from serious problems. However, news of his death from cancer came as a surprise and the reality of his passing was a shock, although perhaps it should not have been. It does not seem possible that this constant force and presence of Canadian parliamentary life is really gone.

Appointed by Prime Minister Mulroney in 1990, in the time of the political storm surrounding the goods and services tax, Senator Forrestall nonetheless managed to earn the respect and friendship of senators on both sides of this chamber as a result of his integrity, hard work and devotion to the causes and constituencies he served so well over a long and illustrious

career. As a 40-year veteran of this Parliament, he earned the distinction of being the longest-serving Conservative in either House.

Senator Forrestall's career, of course, has been mentioned. He started as a journalist with the Halifax *Chronicle Herald* and I am not surprised to learn that he covered defence issues. He was elected in 1965, as has been said by Senator LeBreton. He immediately put his knowledge to work — the knowledge that he gained as a reporter — and he served as defence critic. Senator Forrestall's knowledge of those issues allowed him to make a most valuable contribution to this place, notably as Deputy Chair of the Standing Senate Committee on National Security and Defence. As Senator LeBreton has noted, we all know much more than we should, or would even like to, about helicopters and fixed-wing aircraft.

[*Translation*]

Nevertheless, honourable senators, Senator Forrestall's interests went beyond defence. He also made important contributions to health and the preservation of our national heritage. As you may recall, he introduced a private member's bill to develop a national cancer research strategy, which was welcomed by specialists, patients and the Canadian Cancer Society.

Our late colleague also tenaciously supported the protection and maintenance of heritage lighthouses through other private members' bills. A man of principle, Senator Forrestall was affable and particularly passionate about national defence, health and heritage issues. He touched the lives of everyone he knew and worked with.

His passing leaves a great emptiness in the hearts of his many colleagues and friends. On behalf of all Liberal senators, I would like to offer my condolences to his family, his wife, Marilyn, and his five children.

• (1345)

[*English*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, when I arrived on Parliament Hill 22 years ago as a brand new Member of Parliament, a veteran of the House, a friend, was there to greet me, to provide valuable advice and to guide me. Mike Forrestall continued to be that mentor through the years. Whatever the subject, Mike would somehow have inside knowledge, whether it concerned regional development, transport, the military, fisheries, government operations and much, much more. This might be due to the many friends and contacts he cultivated throughout his career, in his caucus, within other parties and with the civil service. Who knows how many other sources he seemed able to tap into because he had that insider knowledge.

I will greatly miss this great parliamentarian but, even more, I will miss a very dear friend. I offer Marilyn, his family, his staff and his army of friends my deepest sympathy. I share with them many fond memories.

Hon. Bill Rompkey: Honourable senators, I rise to add a few words in tribute to Mike Forrestall. When I arrived at the House of Commons in 1972, he was already there. In those days, the House of Commons sat until 10 p.m. Mike was a good buddy of Pat Nowlan, and I cannot think of one without thinking of the other because they were inseparable. Although they took their jobs seriously, they had a sense of humour too. I cannot think of Mike without a twinkle in his eye and his humorous approach to life, which stood him in such good stead.

I remember the Standing Senate Committee on National Security and Defence meetings that some of us in this chamber shared with him. Senator Meighen and Senator Kenny will remember when Mike was with committee members both here and abroad and the hours he put in and the dedication, insight and common sense that he brought to committee.

Those are memories that I have of Mike Forrestall but what will stick in my mind is a shared interest in the Eastern Shore of Nova Scotia. You will see that the plaque and his designation in the Senate reads, "Dartmouth and the Eastern Shore," because he was not simply a Dartmouth man — Mike's heart belonged to the Eastern Shore as well. There are some Rompkeys on that shore exiled from somewhere or other and part of the German immigration to Nova Scotia. Mike served those too and would check from time to time on Ecum Secum, Necum Teuch or Marie Joseph and other communities along the Eastern Shore. I would say, "Mike, are you looking after my people down there?' and he would say, "Yes, I am."

Mike Forrestall left an indelible mark. If I had to pick someone as a trusted and dedicated public servant for the people of Canada, it would be Mike Forrestall. He will leave a gaping hole in this chamber, and we will miss him. We pay tribute to him today, and I offer my deepest sympathy to his wife and family.

Hon. Michael A. Meighen: Honourable senators, I am honoured to pay tribute to my friend Mike Forrestall. Today, honourable senators mourn the passing of a respected colleague and close friend to many of us. While I knew and admired Mike Forrestall for over 35 years, particularly during my time in the 1970s as National President of the Progressive Conservative Party of Canada, it was not until we were both summoned to the Senate in the tumultuous fall of 1990 that I came to work closely with him. It was during that time that I came to truly understand and appreciate the depths of his talents and devotion not only to his country but also to Parliament and all that it represents.

Mike and I served together on the Joint Committee on Canada's Defence Policy, which Senator Rompkey mentioned, and more recently on the Standing Senate Committee on National Security and Defence. Indeed, the establishment of this committee in 2001 was due in no small way to his persistent efforts over a number of years. Make no mistake, honourable senators, this was no mean accomplishment, given the climate of the times that produced repeated cuts to the budget of the Canadian Forces and, at least to Mike, an alarming lack of interest in their welfare. However, Senator Forrestall, as we know, was nothing if not dogged. None of us will soon forget the determination with which he relentlessly and successfully pursued the question of the Sea King helicopters and their replacement.

During the funeral service in Dartmouth, the Speaker of the Senate delighted those in attendance with this prediction, and I quote:

> The seraphim and the cherubim will now have to keep their wings in a good state of preparedness or he might wish to promote their replacement as he did with the Sea Kings.

• (1350)

Above all, Mike Forrestall was a prototypical parliamentarian and an adornment to the public life of this country. In the words of our former colleague, Senator Buchanan:

> Because he loved politics and people so much, it was not a chore to him, not work. It was his passion.

As Mike's friend the Reverend Eric Theriault said during the homily:

> We are living in an age when politics and service to country are met with cynicism and distrust...But I fully believe that Michael Forrestall's years in the House of Commons and the Senate give lie to that jaded stereotype, for he brought to his profession integrity, dignity, and honour.

I am certain that the presence at his funeral of uniformed members of the three services would have touched Mike deeply. While he dedicated 40 years of his life to the people of Dartmouth as their MP and subsequently as their senator, there was no group that meant more to him than the men and women of the Canadian Armed Forces. How pleased and proud he was of their remarkable achievements and the honour they have brought to our country. How pleased and proud he was of their renewed sense of pride in their work and of the renewed sense of pride of Canadians in their Canadian Forces.

Parliament needs more Mike Forrestalls, more of his common sense and decency, and above all, more of his humour, humility and humanity. Mike understood better than most of us, perhaps, that we all have our strengths and our weaknesses, and he strove always to be non-judgmental in his dealings with colleagues.

We will all miss him dearly, but none more so than his wife, Marilyn, his five children, and of course his loyal and trusted assistant, Kathryn Meerburg. To them may I, on behalf of us all, extend our heartfelt sympathies.

As I listen carefully, honourable senators, I think I can hear those stalwart members of the Halifax Rifles as they welcome Senator Mike Forrestall into their ranks. Stand easy, Mike. Your duty is done.

Hon. Wilfred P. Moore: I too wish to be associated with the remarks of our colleagues here in paying tribute to our friend Senator Mike Forrestall.

My relationship with Michael has been at 35,000 feet or 40,000 feet during our weekly trips back and forth from Nova Scotia to Ottawa. During those time periods, I have often had the opportunity to speak with him and to seek his guidance and advice, political and otherwise.

A few months ago, I spoke to him about the possibility of seeking membership on the Standing Senate Committee on National Security and Defence. It was clear to Senator Mike. He said, "Look, Halifax is a Garrison City and you are from Nova Scotia. You must join us." It was not an order, but it was a pretty firm direction.

Recently, during his hospitalization, I called home and spoke with his brother, Tom, a noted Canadian artist, to check up on Mike. Tom said that he was in to see him the day before in the intensive care unit. Mike was insistent that he had to get out of the hospital, and back to Ottawa: that he had work to do.

I think that anecdote speaks volumes to the undeniable fact that Mike's work for his constituents and the Canadian Forces was underpinned by his strong sense of duty and his steeled commitment to serve his country and his community. We shall miss him. I join my colleagues in extending heartfelt sympathy to his wife, Marilyn, his children, his siblings and his staff.

Hon. Donald H. Oliver: Honourable senators, Michael Forrestall had just become my seatmate. He sat right here in this empty chair.

We had both been summoned to this chamber 16 years ago. During the only two days we sat together in the chamber, we marvelled at the opportunity we both had to serve our country from the Senate of Canada. We giggled on realizing that two Nova Scotia country boys had made it to front-row seats next to our leadership.

Michael was a huge but humble man. He had a wonderful sense of humour. He had the common touch. He was a hard worker. For him, the job for the people was never done. He was a man of the people. That is just one of the reasons the citizens of Dartmouth elected him and re-elected him six times.

• (1355)

To me, the art of politics is more than being just a narrow partisan. Great people can rise above that and Michael Forrestall was one of those great people. He had a fine, almost innate sense of balance between what is important for the party and what is essential to the public good.

As I said to the *Ottawa Citizen* in Senator Forrestall's obituary,

> He took the party line seriously when it had to be taken, but when it didn't, he had a broad and altruistic view of what public policy should be.

Mike had expertise in the military, defence, security and transportation, and he always stood up for Atlantic Canada. I learned a lot from Michael. He was an exemplary politician, a man with many, many talents. I will miss my seatmate. I extend to Marilyn and his family my deepest sympathy for the loss of a great Canadian.

Hon. Terry M. Mercer: Honourable senators, it is an honour to rise today to speak in tribute to the late Senator Michael Forrestall. I will never forget the support he offered and the kindness he showed to me when I was first appointed to the Senate in 2003.

A lifelong Progressive Conservative, Mike was elected to the other place six times between 1965 and 1984: no small feat. Having served Dartmouth, he often advocated for improved salaries and working conditions and better equipment for our Canadian Forces personnel. He was a tremendous partisan politician who continuously showed his dedication to the Progressive Conservatives. He was, in my estimation, the best of the Progressive Conservatives. He was one politician who truly understood that we all have a role to play, and had the reputation as one of the nice guys. Mike actually got it.

You could always count on Senator Forrestall to be the first one to pat you on the back and make a joke, even after a rigorous and raucous debate had taken place.

Mike was born, as you know, in Deep Brook, Annapolis County, and later moved to Dartmouth, where he did most of his political work. He and I would often discuss the beauty of the shore in the area of his new home in Joggins, Nova Scotia. He often spoke of his life there with his wife, Marilyn. I loved the stories he told about the winter of the big snow when they were snowed in for some time. He had a great way of telling a story.

Honourable senators, we have lost a great senator, a great supporter of our Armed Forces, a tremendous supporter of this honourable place, and an even greater man.

My sincere condolences to his family, friends and staff.

Hon. Norman K. Atkins: Honourable senators, it is indeed an honour for me to pay tribute to my friend, the Honourable J. Michael Forrestall, who at the time of his passing was the longest-serving Conservative parliamentarian in Canada and the second longest serving member of the Parliament of Canada.

Michael Forrestall was born in Deep Brook, Nova Scotia, in the Annapolis Valley, on September 23, 1932. After an early career as a journalist with the Halifax *Chronicle Herald*, and an airline executive, he worked for the Nova Scotia P.C. Party, and was a devoted supporter of Robert L. Stanfield. Michael entered politics and was first elected to the House of Commons in the general election of 1965.

How he decided to run is a story in itself. Michael happened to attend a meeting of campaign organizers to try to find a candidate for the dual riding in Halifax where Bob McCleave was the Protestant and they were looking for a Catholic. At some point in the discussion, someone said to Michael, "You're a Catholic. Why don't you run?" The rest is history.

Michael Forrestall was subsequently re-elected to the House of Commons for Dartmouth in 1968, 1972, 1974, 1979, 1980 and 1984. He was defeated in 1988, mainly because of the free trade issue, and because many former NDP votes went to the Liberal candidate.

He first became official opposition defence critic in 1966, and challenged the government of Prime Minister Pearson on the unification of the Canadian Forces.

He subsequently served as defence critic from 1966 to 1979, and served over that period of time as a member of the House of Commons Standing Committee on National Defence and Veterans Affairs.

• (1400)

On September 27, 1990, Michael was one of eight senators appointed by Prime Minister Mulroney that supposedly "swamped" the Senate during the GST debate. From 1993 to 1994, he was a member of the Joint Parliamentary Committee on Canada's Defence Policy, and served until the end as defence critic in the Senate. At the time of his passing, Michael was Deputy Chair of the Standing Senate Committee on National Security and Defence, a member of the Subcommittee on Veterans Affairs, a member of the Interim Committee of Parliamentarians on National Security, and he was also honoured to serve as Honorary Lieutenant-Colonel of 723 (Halifax) Communication Squadron.

Those things you likely read or knew about our colleague. Michael was one of my friends for over 50 years. We met in 1956 in the Nova Scotia provincial election campaign, the year Robert L. Stanfield became premier.

Here are a few things you might not know. He forever demanded baked beans and hash for lunch in committee. He loved apples, oranges and working on crossword puzzles to pass the time away. Michael's favourite place to eat on the road was the Irving Big Stop because he could have his favourite meal. He loved peanut butter and banana on raisin bread as a snack for long drives and he despised celery with a passion! He loved to drive back and forth to Ottawa to watch the Canada geese and snow geese come home along the St. Lawrence, and he drove up and down the Saint John River Valley doing the same thing. He drove our committee chair crazy, almost to distraction, by demanding the return of the Halifax Rifles to the reserve order of battle. He also loved to sit on "the bluff" at Grand Lake, New Brunswick, and visit Robertson's Point where he was known to have an occasional vodka martini.

Mike was down to earth, he was easygoing, he never wanted to say no, and he hated to deliver bad news. He was a gentleman, but he fought like a tiger for the military and the people of Dartmouth and the Eastern Shore of Nova Scotia. Who in this chamber will ever forget the rolling debate that was Question Period from 1990 to 2005 over the replacement of the Sea King helicopters?

Michael was totally devoted to his wife, Marilyn, and depended on her support and affection. He was always happy to speak proudly about his children and grandchildren.

The Senate and this country were made better by my friend, the Honourable J. Michael Forrestall, and he will be missed by all of us who worked and played with him over the years.

Hon. Colin Kenny: Honourable senators, as Chair of the Standing Senate Committee on National Security and Defence, I would like to take a moment to remember Michael Forrestall. Mike was a kind and warm man and a friend to all Canadians. He served as deputy chair of the committee. He was a driving force behind the reports that we produced over the past five years, ensuring that no area was neglected. Although he was fiercely partisan as a politician in his years in the House of Commons, when he came to the Senate, he recognized that one of the upper house's greatest values was the ability to attack issues on a

thoughtful, non-partisan basis. The committee's success over the past five years is in large part attributable to this non-partisan spirit. Mike was instrumental in setting that tone. One measure of the man is how appreciative he was of committee staff — always ready with greeting, a wink, a word of advice and a thank you.

The long hours the committee members sometimes spent travelling and in deliberative sessions in recent years were leavened by the gentleness and humour punctuated by his passion for important causes. His stalwart advocacy of the role of the Halifax Rifles in Canadian history is legendary. One sensed that Mike was convinced that if the Rifles could be revived, the world could be saved from the threats that face us today.

• (1405)

Two weeks before his death, caused by cancer, Mike was still diligently working on committee activities. He was a patriot and a friend, and is remembered with great affection by us all.

I extend condolences to his wife, Marilyn, his children Mary Ellen, Danny, Polly Sue and Michael, and to all of their children as well.

Hon. Marcel Prud'homme: Honourable senators, in 1965 Mike Forrestall arrived in Ottawa, and the House of Commons was never the same again. I had the honour of meeting him. He was my tutor; he taught me not to confuse the Atlantic provinces and the Maritime provinces. That was the beginning of my education on the part of the country from which he came.

I had the honour to chair the famous committee on Foreign Affairs and National Defence in the House of Commons. If you think it is difficult to chair a committee of 12, just imagine chairing a committee of 30 known as "the committee of rednecks and do-gooders."

Among the members of that committee from the late 1960s to 1984 were Flora MacDonald, Bob Muir and the famous duo, Pat Nowlan and Mike Forrestall. That was the committee of the epoch; yet, it worked. When it did not work well, and when there was too much unanimity, in came Dr. Pauline Jewett, and the committee had to begin all over again.

Thanks to people like Mike Forrestall, we studied not once or twice, but three times, the renewal of NORAD. These people were open to be convinced. Some were never afraid to study the hot issues of the day. That is why we studied east-west relations. It was extremely difficult under the Cold War atmosphere not to be afraid to bring in people as different as the Chief Commander of NATO and Mr. Arbatov from Moscow. That was a no-no according to the security services of Canada. We were able to do that with the help, support and understanding of members like Heath Macquarrie, Pat Nowlan and Stan Darling. When things got unruly, Mr. Darling always reminded us, "It's enough." For those who may not know him, when Stan Darling said, "It's enough," even Pat Nowlan and Mike Forrestall stopped quarrelling and listened to his views.

They were not afraid to study the hot issues of that time, and I recommend that to the Standing Senate Committee on Foreign Affairs of today. Those people allowed us to study the east-west relationship at the height of the Cold War. They were not afraid to study our relationship with Latin America.

If you were to read the debates of that committee without looking at the date, you would think it was published yesterday. That is the kind of work that our committee produced at that time. In the early 1970s, they were not afraid to call the greatest experts on the Middle East before the committee.

• (1410)

I could not attend the funeral for personal reasons. I went to pray for him, something about which I have no hesitation in sharing.

We shared the same building here in Ottawa and he gave me a ride home on many late nights.

I want to say to his wife Marilyn and members of his staff that I assure you of my prayers and my memories. My office at the entrance of the Senate is now yours until November 30, 2009, God willing that I stick around until that time. My sympathy goes out to you.

[*Translation*]

Hon. Jean Lapointe: Honourable senators, in my early days as a senator, the first few times I heard Senator Forrestall speak, I had to stifle my laughter. In his loud distinctive voice, he constantly reminded us of our Armed Forces' desperate need for operational helicopters. When he would rise, I would quip out loud, "We are about to hear more about helicopters". Invariably, he would expound on the urgent need to replace our aging birds, like birds that can truly fly on their own wings. He had been around the block and knew what he was taking about. When our machines started dropping like flies, I had to admit just how right he was. I regretted having doubted his expertise.

Over time, I surprised myself by becoming very close to this great man. We chatted often, since we were both on the fifth floor. Later, I always supported his projects, including his Canadian lighthouse project. Two weeks ago, I cut out a very good article that appeared in the *Journal de Montréal* on Quebec lighthouses, and I had it translated. When I went to give it to him, he was not in his seat, so I took it to his office.

As a symbol of my friendship with Senator Forrestall, I will end this tribute in English.

[*English*]

Over the years not only did I like the man, I loved him. He was such a great old man and an old great man. To me, Mike will always have a huge place in my heart, more than Forest Hills, more than Forrest Gump, simply Forrestall.

Hon. Mira Spivak: Honourable senators, I spent a lot of time with Mike Forrestall on the Transport Committee, especially one long hot summer in the early 1990s when we were changing the entire transportation policy. He was intelligent, knowledgeable, humorous, courteous and very gentle in his criticism, even of that fierce guy Doug Young, the then Minister of Transport. You could not help but like and admire him.

He taught me so many things about a world I knew nothing about — the Maritimes, the sea, the Armed Forces, the helicopters and so forth. He even taught me something about the environment.

He told me a story of how he would fly his small plane to Sable Island and would see the fishing boats dragging their dragnets across the bottom of the ocean destroying everything. He had a good sense of that problem. I said to him, "Mike, you have to do something." He said, "They are not listening to me."

I want to express my sympathies to members of his family and to tell them, as other senators have done, that he will be truly missed here in the Senate.

• (1415)

Hon. Joyce Fairbairn: Honourable senators, listening to the very fine comments you have all made is like having one's life pass by before one's eyes.

Mike Forrestall was a friend of mine. He was in the House of Commons back in the 1960s, and I was there as well. I was a journalist. It is interesting to know that our paths went somewhat the same way. For some reason, which I had no idea of at the time, everyone I worked for as a journalist kept putting me on the National Defence beat. That was what they did with Mike Forrestall as well, and that was something we had in common.

He was a wonderful man. He was big in every way and also had a tremendous sense of humour. The last time I saw him was in the elevator down the hall. He and I exchanged the customary hug. I said, "How are you?" He grinned at me and said, "Just fine." So he was, and so he still was when he left us in Nova Scotia just a week ago at his funeral.

Mike was a very special kind of politician because he could be as ornery as they come. He could drive people crazy. I think Senator Atkins mentioned that. He often drove people in his own party crazy.

I remember an occasion after I stopped being a journalist and began working with Mr. Trudeau, he very often drove him crazy, too. Then afterwards he would come out of the House of Commons with a big smile on his face and say, "Wasn't that great?" Truly, it was.

When I became the Leader of the Government in the Senate back in 1993, in much the same position as my friend the current leader, we were a small but feisty group on that side. I was trying to think of all of the things I had to learn and understand as we went into what turned out to be a very lively period.

One part I did not think of, sure came up fast. I do not think I was sitting in that chair more than a day before Senator Forrestall stood up and started lambasting me about the Sea Kings. To this day he would still be doing that.

He made a tremendous contribution to Parliament. He made a tremendous contribution to Canada and to his beloved province.

Most importantly in some ways, he made one of his greatest contributions to the people who serve in the Armed Forces of this country. When I go to any Legion hall, even in Lethbridge, Alberta, people will ask me if I know Mike Forrestall. Very proudly, I say yes.

I think he felt more proud of me when I became an honorary colonel of our regiment in Lethbridge than anyone in my own family. We shared all sorts of concerns about the military situation in our country and ensuring our folks got a fair chance.

I can tell General Hillier that Senator Forrestall would have been very touched to know you are with us today in the Senate gallery.

Senator Forrestall left a mark on all of Parliament. He is not a person who can be replaced. There is no one else who can fill those shoes. We will hold him high in our memories, our sense of humour and our affection.

I extend those words to Marilyn and to the family. You are left with wonderful memories of a wonderful man.

• (1420)

Hon. Art Eggleton: Honourable senators, I did not know Mike Forrestall until I became Minister of Defence — then I heard from him very frequently. I used to go to cabinet meetings and the Leader of the Government in the Senate would say to me, "I have all these questions about Sea Kings that are being asked in the Senate. How do you answer this and that?" I must admit that I did not disagree with all of the criticism that Mike had about some of the policies that we operated under; I did not disagree with him on the Sea Kings, either. I found him to be a person with great passion about the military and about those who serve this country. He served this country very well, both in this chamber and in the other place. He was an outstanding Canadian and we will all miss him.

The Hon. the Speaker: Honourable senators will have noticed that we have exhausted our time for tributes and Senators' Statements. The chair apologizes for not being as disciplined as the chair ought to have been.

Before turning to the tabling of documents, let me express on behalf of all honourable senators our appreciation that Marilyn Forrestall and the Chief of Defence Staff, General Hillier, are in the gallery. We appreciate your presence.

[*Translation*]

ROUTINE PROCEEDINGS

STUDY ON CURRENT STATE OF CANADIAN MEDIA INTERESTS

REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

Hon. Lise Bacon: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Senate Committee on Transport and Communications, entitled *Final Report on the Canadian News Media.*

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on National Security and Defence.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE TABLED

Hon. Joyce Fairbairn: Honourable senators, the Standing Senate Committee on Agriculture and Forestry has the honour to table its third report. Your committee, which was authorized by the Senate on Wednesday, April 26, 2006, to hear witnesses from time to time, including both individuals and representatives from the organizations on the present state and the future of agriculture and forestry in Canada, now tables its interim report entitled *Agriculture and Agri-food Policy in Canada: Putting Farmers First*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fairbairn, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1425)

BOY SCOUTS OF CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— PRESENTATION OF PETITION

Hon. Consiglio Di Nino: Honourable senators, I have the honour to present a petition from the Boy Scouts of Canada, a body incorporated by chapter 130 of the Statutes of Canada 1914, praying for the passage of an act to amend its act of incorporation in order to consolidate the statutes governing it, to change its name to "Scouts Canada" and to make such other technical and incidental changes to the acts as may be appropriate.

CANADA-AFRICA PARLIAMENTARY ASSOCIATION

ORDINARY SESSION OF PAN-AFRICAN PARLIAMENT, MAY 1-2, 2006—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 23(6), I have the honour to table in both official languages the report of the Canadian delegation of the Canada-Africa Parliamentary Association respecting its participation to the fifth ordinary conference of the Pan-African Parliament, Midrand, South Africa, May 1 and 2, 2006.

QUESTION PERIOD

NATIONAL DEFENCE

MULTI-MISSION EFFECTS VEHICLE— STATUS OF UPGRADE TO WEAPONS SYSTEM

Hon. Roméo Antonius Dallaire: Honourable senators, my question is to the Leader of the Government in the Senate. Six months ago, the Liberal government announced the upgrade of a weapons system, the Multi-mission Effects Vehicle, at a cost of $750 million. This was funded within that Liberal budget increasing the capabilities of the Canadian Forces. This weapons system was a self-defence missile system for troops deployed in missions like Afghanistan, as well as a national asset in air defence that was used at the G8 conference in Kananaskis and probably will be essential in the air defence capabilities of the 2010 Olympics. We have been informed that this weapons system has now been cancelled or scrapped. Can the Leader of the Government in the Senate confirm that this essential operational requirement, this sophisticated missile system that was bought by the previous Conservative government in 1986 for $1.6 billion, will no longer be upgraded and will be scrapped?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Dallaire for the question. I am not familiar with that particular matter, and I will take the question as notice.

Senator Dallaire: Honourable senators, the government did announce with great fanfare an increase in funding for the Canadian Forces in the last budget in the amount of $5.3 billion, although the bulk of the money is considered at times "funny money," being in the years three, four and five. The government also announced that, with new projects, there would be incremental funding to the funding base for those major projects. That is exactly what was said by the Conservative government in 1987 during discussions on the white paper, where that incremental funding was called "bumps." Two years later, the whole program was scrapped. Not one bump appeared. In fact, only warts appeared on the bums of the soldiers trying to survive.

Is the government now reneging on bringing in the modernization of the Canadian Forces by scrapping funding for new systems and moving to the right projects that are already essential and a high priority? This project, if scrapped, will mean the loss of nearly 500 high technology jobs in Saint-Jean-sur-Richelieu?

Senator LeBreton: Honourable senators, I do not think there is any question that the new Conservative government and our new Minister of Defence, Gordon O'Connor, are totally committed to strengthening the Canadian Armed Forces.

• (1430)

The Defence Minister and the Chief of Defence Staff are working hard and we are making great progress. I would suggest to all honourable senators that when Minister O'Connor makes his announcements, they will be well received not only by the military, but also by the Canadian public. I would never expect to have anyone refer to the major commitment that we are making to the Canadian military as "funny money."

ARCTIC SOVEREIGNTY— POSSIBLE ACQUISITION OF ICE BREAKERS

Hon. Bill Rompkey: Honourable senators, my question for the Leader of the Government also refers to defence policy. The subject of the question was first raised with her on June 1 and concerns the Prime Minister's commitment during the campaign to have three Arctic ice breakers in a deep water port in the Arctic. We are now heading into the end of June.

There was no money in the budget for Arctic ice breakers, but several high-priced projects appear to be going ahead, such as heavy lift aircraft. The minister suggested on June 1 that I wait until the Minister of National Defence has brought forward his proposals. He has not done so yet. When will the minister keep the Prime Minister's commitment from the campaign. All of us who represent the Arctic thought it was an excellent commitment and long overdue. The honourable senator made the point it had not been done before. I acknowledge that. There is an opportunity to do it now. The commitment was made. When will it be fulfilled?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Rompkey for his question. The Minister of Defence, the Chief of Defence Staff and the government have been working assiduously on the issue of funding and buying proper equipment for our military forces. I expect that there will be announcements very shortly from the Minister of National Defence.

I was there when the Prime Minister spoke about the issue of Arctic sovereignty. I also hasten to remind honourable senators that when the Prime Minister laid out the party's platform in the last election campaign, most people did not expect that platform to be completed within two months, but rather over the extent of the government's mandate.

Major announcements will be forthcoming on the subject of national defence. I will keep my eye on the timetable with regard to the issue of Arctic sovereignty and the ice breakers.

ARCTIC SOVEREIGNTY—REFIT OF CCGS *J.E. BERNIER*

Hon. Bill Rompkey: Honourable senators, I appreciate, as Senator Dallaire has said, that funding is done over a period of years. We will not get into the heavy funding until we are farther down the road. However, the planning and the specs have to be done. The minister and the cabinet have to decide before the Minister of Public Works goes to tender. These costs are relatively small and could be done right away. The commitment would be important.

Let me give the honourable senator another option. The previous Liberal government committed to the refit of the Coast Guard's largest ice breaker, the CCGS *J.E. Bernier*, to refit her at a cost of $4 million and to place her in Goose Bay, Labrador. Not only would that provide search and rescue, fisheries surveillance, mapping, and a presence in the Arctic, but also it would create 60 jobs in a community that is suffering as a result of the withdrawal of the NATO air forces.

I understand that this project has been cancelled. I know the honourable senator wants to do something and I know the government wants to do something. This is a relatively inexpensive way to put an ice breaker in the subarctic. I remind honourable senators that Goose Bay is a day's steam from Iqaluit and that the entrance to the Northwest Passage is at the tip of Labrador. This is a relatively inexpensive way to refit a ship to put her in service and to do the job that the government wants done. Will the honourable senator ask Transport Canada to revisit that decision and to fulfil the commitment of the previous government?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Rompkey for his question. I will specifically ask about the one area that he mentioned in regard to the previous government. We will not get into the issue of Sea King helicopters or submarines sitting in dry dock.

• (1435)

With regard to the specific proposal about the Coast Guard ship, I think when the honourable senator asked the question a couple of weeks ago, I put a request in for a delayed answer, but I will again refer that question to the authorities in the Department of National Defence.

PUBLIC WORKS AND GOVERNMENT SERVICES

FRAMEWORK FOR PROCURING INFORMATION AND COMMUNICATIONS TECHNOLOGY

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I want to return to a matter I raised with the Minister of Public Works yesterday involving concerns of the Canadian Advanced Technology Alliance, which I am advised is the largest high-tech association representing high-tech suppliers.

I must acknowledge, in rising again today, that I have had an opportunity to speak to the minister and he has confirmed that he has taken notice of that question. However, today I want to emphasize that an early response would be helpful.

In so doing, I also want to highlight the importance of this kind of question at this time, when we will embark on our consideration of Bill C-2; and the importance of the kind of thing that was raised by the alliance, namely private-public sector consultations, which were designed to produce maximum opportunity for Canada to benefit from public procurement.

The minister yesterday acknowledged that importance and I look for a comment today. Before I take my seat, however, I want to put on the record the minister's comments, on June 8 of this month, before the Standing Committee on Government Operations and Estimates, when he said:

> We are the Government's experts in procurement, and we will lead the way in reforming the process to ensure that it is fair, open and transparent.

If the complaint of the alliance is correct, I think that we need to know more so that we can satisfy ourselves, or not, that the minister's words and intentions are followed. I know how sincere he is about that; but it is an important matter and, if possible, we would like to hear an answer before we recess, which may be this week or possibly next week.

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. The answer will be available to him tomorrow and, hopefully, he will be satisfied by it.

PARLIAMENT

HOUSE OF COMMONS— MOTION TO DEEM THIRD READING OF BILL C-2

Hon. Lowell Murray: Honourable senators, this question is rhetorical. I want to bring to your attention the latest example of collegiality, cooperation and unanimity in the House of Commons.

Yesterday they passed a motion, to be found at page 2694 of the *Debates of the House of Commons*. I will not weary you by reading it all. Effectively, it provided for some time allocation with regard to the report stage of Bill C-2, which I do not object to.

Then they added — and listen to this:

> ...and when no member rises to speak to the third reading debate of Bill C-2 or at the end of government orders on Wednesday, June 21, 2006, whichever is earlier, Bill C-2 shall be deemed read a third time and passed on division.

Before they finished dealing with the amendments at report stage, they have passed a motion to deem the bill to have been passed, on division, at third reading.

Some Hon. Senators: Shame.

Senator Murray: I say to the Leader of the Government in the Senate, we have a number of items here on the Order Paper; if we could pass a motion like this, we could clean up the Order Paper and go home right now.

It is idle to ask where the Liberals, the NDP and the Bloc Québécois were; they are in the same bag as the government when it comes to something important, such as starting their vacations on time. Where are the overpaid journalists and the Parliamentary Press Gallery?

Some Hon. Senators: Hear, hear.

Senator Murray: Where is Jack Aubry when the country needs him?

• (1440)

Hon. Marjory LeBreton (Leader of the Government): Thank you for the question, Senator Murray. Far be it from me to comment on what transpires in the other place. I remember many years ago, when I was working for Senator Murray I commented on something that someone else was doing. He said to me, very sternly, "Marjory, tend to your own knitting."

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I ask leave of the Senate to call at this time motion no. 78, standing on the Notice Paper in the name of the honourable Senator Fraser.

The reason is that Senator Fraser and other senators will be absent this afternoon; for our part, we agree to this motion being moved now.

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON SENATE REFORM ADOPTED

Hon. Joan Fraser (Deputy Leader of the Opposition), pursuant to notice given June 20, 2006, I move:

> That a Special Senate Committee be appointed to undertake a comprehensive review of the Senate Reform or any other related matter referred to it by the Senate;
>
> That, notwithstanding rule 85(1)(b), the Special Committee comprise ten members namely the Honourable Senators Adams, Austin, P.C., Bacon, Baker, P.C., Banks, Biron, Andreychuk, Angus, Carney, P.C. and Murray, P.C., and that four members constitute a quorum;
>
> That, pursuant to Rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;
>
> That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;
>
> That the Committee have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills and subject-matters of bills as are referred to it;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the Committee submit its final report no later than September 28, 2006.

Honourable senators, first I wish to thank the Deputy Leader of the Government and his colleagues for granting leave. As he pointed out, several of us have imminent commitments this afternoon. However, it seemed important for the Senate to consider this motion.

[*English*]

Honourable senators, the Senate is once again the subject of much conversation. Of course, Bill S-4 is before us but there is a much broader discussion of matters concerning the Senate. All honourable senators know that other changes to this institution were part of the government's election platform. Senator Murray said yesterday that he hopes to propose a constitutional motion shortly. There is a great deal happening in respect of the Senate.

It seems that it would be exceedingly appropriate to name a special committee to look at Senate reform and other related matters beginning this summer. We hope that this motion will be adopted in the Senate today so that the Standing Committee on Internal Economy, Budgets and Administration can consider the matter of a budget for the special committee when it meets tomorrow.

Discerning senators will note that this motion lists a number of members and that there is a pattern to their names. On the government side, we have Senators Andreychuk, Angus and Carney. On our side, we have Senators Adams, Austin, Bacon, Baker, Banks and Biron. Discerning senators will have noticed the alphabetical order of these names. The reason, honourable senators, is that the assignment of members to a committee of this importance is obviously a matter that requires serious consideration on both sides of the House. We agree that the committee should be formed but we have not yet reached agreement on the precise membership. However, it seemed advisable to flesh the motion out. Once a committee has been constituted, the whips can substitute members. Our side has warned senators who had not expected to be serving on a Senate reform committee that the inclusion of their names on the motion does not necessarily commit them to that service. The membership will be determined after consultation not only with the senators involved but also between both sides of the chamber.

• (1445)

The rest of the motion speaks for itself, that we give the committee authorization to meet during periods when we stand adjourned for a period exceeding one week. In this way, the committee could work during the period when we are on summer break, perhaps not every single day, but to get some serious work done during that period so that we would have the benefit of the work of the committee when we return in the fall. I urge honourable senators now to support this motion.

Hon. Anne C. Cools: Honourable senators, the whole situation is somewhat curious. I wish to ask a few questions about the motion.

First, the motion does not tell us what is to be studied. The honourable senator has used the words "Senate reform," but my experience has been that the phrase "Senate reform" does not tell me anything. Perhaps Senator Fraser could give us a better idea of what the committee will actually be studying.

It is a good practice that when a motion asks the chamber to do something, the members of the house should know what it is that they are being asked to do, lest they discover later that the committee is doing something quite different from what the members thought was to be done.

Perhaps the honourable senator could tell us about the so-called "plan to work" for the committee. I notice a few other things in this motion, such as "a comprehensive review of Senate reform." Once we have established what is meant by "Senate reform," I can deal with comprehensive review.

How can we have a comprehensive review? We are nearing the end of June and this committee has to report at the end of September. Nothing comprehensive can be studied in three months. I do not understand that.

Would it not make more sense, for example, to have the committee report in December or some other realistic time frame? At least the proposition should sound serious. It really does not sound serious, to my mind.

Senator Fraser: I thank Senator Cools for her question. It is as Pilate said jestingly, "What is truth?" One cannot learn the whole truth about anything in any period of time, however long that period of time may be.

It seemed to us that a period of time ending in September ought to be sufficient for such a committee to do some serious work. The Senate can always give an extension to any committee's deadline if it wishes. I am not telling the honourable senator anything that she does not know.

For a time, we would also be bearing in mind that there is a bill before this chamber which does merit consideration in due course. We would assume that during the fall the chamber would want to examine that bill, which brings me to the question of what precisely we would be referring to this committee.

We are not there in our proceedings yet, but I would earnestly hope that it would be this committee that would examine the subject matter of Bill S-4. Senator Murray said yesterday that he plans to present a constitutional motion that he hoped would be referred to this committee, and from his speech, it sounded to me as though they would fit comparatively well together. I do not wish to prejudge the content of his motion.

Senator Cools has touched on a nerve of mine. I do not really like the phrase "Senate reform."

Senator Cools: Neither do I.

Senator Fraser: It is, however, the label in common use to refer to changes in this institution.

We were hoping that this committee would examine the various proposals that have been made for Senate reform, or for change in the Senate, and the implications and, so far as can be discerned, the consequences of those changes, singly and, more important, together. As the honourable senator knows, perhaps better than anyone else, this institution is not something that can be lightly changed without there being consequences. That is why we think it is very appropriate and important to have a committee to study not just the narrow labelling of a specific bill, but also the context in which that bill would operate.

• (1450)

Senator Cools: Perhaps, honourable senators, a better title for the reference would be "a special committee to study the various proposals about changes in the Senate."

The words "Senate reform" tell me absolutely nothing. I no longer know what the word "reform" means. It just means change of anything. You can go from bad to worse, and that is change, but certainly it is not reform.

I thought I heard Senator Fraser say that this committee is being constituted to receive Bill S-4, although I hope that is not what she said.

Senator Oliver: That is what she said.

Senator Cools: That is what I thought I understood, but that is not proper. One does not constitute a special committee before the Senate has even determined that the bill ought to go to a committee. The Senate may determine that the bill should go to Committee of the Whole. The honourable senator should not prejudge the disposition of a bill before senators have expressed what they want to do with it.

I have a whole host of questions. Why is only Senator Fraser answering questions?

Senator Fraser: Honourable senators, I very carefully did not prejudge this chamber's decision on Bill S-4. I said that I hoped that this committee would be in a position to study the subject matter of Bill S-4, which is a very different expression. Far be it from me to prejudge what this chamber will decide to do.

Senator Cools: My particular question was how can a committee do a comprehensive review of anything in only three or four months? This is the sort of thing that makes us the laughingstock of the nation. One does not use words like "comprehensive" with that kind of deadline. I have done many studies and I know the time that is required to research any one particular point, and here we are dealing with a thousand points. I do not like it when we move capriciously.

As Senator Fraser is the mover of the motion, seeks authority to do many things, but she did not seek authority for the committee to travel. How, in this day and age, can any committee pretend to be studying these issues without traveling in Canada?

Senator Fraser: We thought that, given modern technology such as teleconferencing and whatnot, for the next three months at least, the committee could accomplish a significant amount without physically traveling. Should the Senate decide that it wants the committee to broaden its range and travel across the land, that would be a completely different situation, and the Senate would consider it at that time.

We are now talking about a committee that would hear witnesses, examine expert testimony and do the background reading to the extent possible. I agree that one cannot get comprehensive answers to everything, but I think the committee could provide a useful body of work to feed into the work of this chamber in the fall.

Senator Cools: Senator Fraser speaks with absolute certainty on what the Senate can and cannot do in the future with respect to orders of reference. However, my experience has taught me that you tell the Senate what you want, not part of what you want. You cannot expect the Senate to know what you may want in the future. An order of reference is an order of the Senate and is a serious matter. It is supposed to mean what it says and to say what it means.

I do not understand why there is not a request for authority to travel in this motion and I find it curious. I would be happy to move an amendment to this motion to request such authority for the committee.

I do not understand how the honourable senator could use the word "comprehensive." She could perhaps have said "preliminary," but not "comprehensive." The very words of the motion undermine what Senator Fraser is saying.

• (1455)

Will the chair of this committee be a Liberal or a Conservative?

Senator Fraser: The committee will elect its chair. I think the honourable senator can rest assured that on both sides, the fundamental element that everybody will be looking for in a chairman of such a committee is skill, experience, knowledge and judicious capacity and temperament.

Senator Cools: The honourable senator seems to have ways of ensuring such a person will come forward.

Senator Fraser: I have faith, honourable senator.

Senator Cools: I also wonder if in the sphere of the honourable senator's concept of studying senate reform the honourable senator intends to look at the whole of Parliament. Parliament is a totality. Parliament is a whole entity. This notion has been destroyed very recently. Unfortunately, many people no longer seem to understand this. I fear that many people no longer believe in Parliament. One cannot contemplate a change in one of the coordinate institutions of the Constitution without a change in the other.

To bring my point home, I shall not name the minister, but some years ago, there was a relatively new minister who was one of those ministers that had been appointed as minister even before he ran for the House of Commons. I will not go into all the details lest we identify the individual. He came here with a great notion that the Senate was undemocratic because we were not elected. He made statements one time in the party caucus to that effect.

The Hon. the Speaker: Honourable senators, order. Senator Fraser's time has expired and Senator Cools may continue debate.

Senator Cools: If you will not allow me to ask a question so I can let it go, then I will adjourn the debate. You will then vote me down. I am used to that.

Senator Fraser: Honourable senators, I explained earlier why we believed it to be very helpful to have a vote on this motion this afternoon. I appreciate, however, Senator Cools' concern that things be properly done. If the Senate wishes to give leave for five more minutes and then move to a vote, I would be happy to abide by that decision.

The Hon. the Speaker: Whoever has that cell phone will get rid of it. Senator Fraser is asking for five more minutes. Is it agreed, honourable senators, to allow five more minutes?

Hon. Senators: Agreed.

Senator Cools: I would like to make the point to Senator Fraser that leaders give agreement, but leaders are not binding until they have spoken to all caucus members. This is the first I am hearing of this. I knew nothing of this. I do not care if I was at caucus or not. The honourable senator should have gotten on the phone and spoken to me. I do not have to clean up my act, let them clean up their act.

I am prepared to let it go, but I have questions to ask. I need questions answered. I do not understand this phenomenon of people who will not debate. Close the place down! You are closing the House of Commons down, close this place down too.

Some honourable senators do not want to answer questions and they do not want to debate. This is what this place is, a debating forum.

The Hon. the Speaker: Order. Honourable senators, Senator Cools has a question for Senator Fraser.

• (1500)

Senator Fraser: As I said at the outset of my remarks — and I did give notice of this motion in due form yesterday — the reason why we would hope to have a vote today was so that Internal Economy could consider the matter at its regular meeting tomorrow. We all share the concerns of the honourable senator that on this subject, more than any other, the committee do solid, good work, observing the rules, written and unwritten, of the Senate, and produce results of which we can all be proud and in which we can all have some confidence — though they will not, and cannot ever be, the last and final and comprehensive answer to anything. I believe that this committee will do careful, solid work, which will contribute to the work of all senators.

I would be more than happy to meet with Senator Cools at any time to discuss this motion or any other element if that would help. Certainly, there has been no intention on our side or, I believe, anywhere in this chamber of trying to pull fast ones or pull anything over anyone's eyes. The idea is to the serve the Senate.

Senator Cools: Honourable senators, I am sorry if I sounded as though I was trying to cast aspersions on the Honourable Senator Fraser or trying to suggest that she was trying to pull the wool over anyone's eyes. If I did that or sounded that way, I would like to apologize.

We take much for granted in this place. There are always ongoing negotiations between the two sides. To be clear, my point is always that negotiations are purely suggestions; that is all they are. They are supposed to be suggestions for debate and for dialogue. They are not supposed to be imposed on senators, without their agreement.

As Senator Fraser is posing the question, I think she can recall a particular committee, a special committee which was constituted in this place several years ago to study the Clarity Act. One of the reasons that committee was constituted was to do an end run around certain members on the Standing Senate Committee on Legal and Constitutional Affairs. Honourable senators will remember that a fair amount of grief came out of that. Quite frankly, I thought it was a pox upon us all.

The wonderful thing about debate is that one can listen to ideas, one can exchange ideas, and one can even arrive at places where one can disagree with great respect. However, it is in the absence of debate and in the absence of attempting to use intellect and to use reason that, quite often, bad things happen.

All I am saying is that we cannot have it both ways. We are members of this place. We have rights and we have privileges. Some of us even know how to use them. Many do not, but some of us do know how to use them. With a little more effort we could have spelled out clearly what it is we are asking the committee to do. Honourable senators should know and should be informed in as thorough and comprehensive a manner as possible. I see many bad bills go through here and I see many bad provisions in bills go through here that most people do not know or do not notice. I do not think that is good enough.

One of the issues that I am interested in is whether or not we will be looking at the constitutional relationships. We used to think of Parliament and the two Houses; now we have to look at a new monster that has been created, which has no legal existence, called the Prime Minister's office. I want to know if we will look at the system as a whole. This is something that means much me.

Honourable senators, I am in favour of change. As far as I am concerned, recent governments have been killing off this chamber. I am not opposed to change. I am not a dinosaur, but I do believe that change should be conducted in a manner consistent and consonant with the Constitution. The notion of change should not be used to overthrow the institution or the principles that undergird the institution.

The Hon. the Speaker: I am afraid, honourable senators, the five extra minutes has been exhausted. We are into further debate.

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Cook, that a special Senate committee —

An Hon. Senator: Dispense!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUDGET IMPLEMENTATION BILL

THIRD READING—DEBATE ADJOURNED

Hon. W. David Angus moved third reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

He said: Honourable senators, as I mentioned during the debate at second reading of this bill on June 7, Bill C-13 will be good law and proposes to implement the key financial provisions of the government's Budget 2006, including those that would implement the government's Universal Child Care Benefit, the UCCB, and reduce the Goods and Services Tax, GST, by 1 percentage point. The Minister of Finance stated at the Standing Senate Committee on National Finance:

> We promised in the election campaign that we would reduce the GST and we have done that. Canadians will have more money in their pockets starting July 1. That applies, of course, to all Canadians, not just Canadians who pay income tax. About one third of Canadians do not pay income tax and therefore they do not benefit from income tax reductions. The GST is a benefit for everyone who purchases in Canada.

Honourable senators, should we see fit to give third reading to this bill before the end of this week and Royal Assent is achieved by no later than June 23, the machinery is in place to enable the initial UCCB payments to be sent out as scheduled by July 1, 2006 and other measures to take effect without delay. Otherwise, it is likely for a number reasons, many of them technical, there will be delay of three or four months in mailing these payments to millions of families across Canada. As the minister stated at committee we have much to celebrate this Canada Day. Honourable senators, let us not put a damper on these celebrations which all Canadians deserve to enjoy.

It is clear that Bill C-13 cries out for third reading and expeditious enactment by the Senate. Such action by the Senate would be fully in accord with long-standing tradition and custom respecting government budget legislation which has passed the House of Commons.

Budget 2006 and its implementation legislation, Bill C-13, received a full and complete study and hearing in the House of Commons and was passed there on June 6 without a single amendment and, more importantly, without a single negative vote.

After receiving second reading in the Senate, Bill C-13 was referred to the Standing Senate Committee on National Finance and was carefully examined and reviewed there on Monday and Tuesday of this week. Yesterday, the bill was reported back to the Senate without amendment or commentary. The Honourable James M. Flaherty, Minister of Finance, supported by senior officials from the Department of Finance, OSFI, CRA, HRSD, and other departments concerned with this complex and intricate legislation, appeared before the committee on Monday evening. The minister reviewed for committee members the main provisions of the proposed legislation, as well as the public policy reasoning behind them and answered numerous questions from committee members, including Senator Eggleton, who had many piercing and interesting questions. His questions were satisfactorily answered, I am sure, by Minister Flaherty.

• (1510)

Among other things, honourable senators, the minister reported with pleasure that his initial budget, Budget 2006, had been well received by economists, businesses and individuals from all walks of life and all income levels across our nation.

As well, the minister indicated that impressive results had already been reported to him respecting a number of recent and generous charitable gifts, some as high as $50 million, made as a direct result of the special capital gains tax reduction measures announced in his Budget 2006.

Honourable senators may have noted at page A9 in *The Globe and Mail* today, it is reported as follows:

> Toronto sports and construction magnate Larry Tanenbaum yesterday donated $25 million to the Mount Sinai Hospital to support biomedical research. The money, the largest single donation ever received by the hospital, will create a research fund to support activities of the Samuel Lunenfeld Research Institute.

Honourable senators, the minister also reported on and expressed satisfaction about positive reactions he had received from stakeholders respecting a number of other tax reduction and tax credit measures in Budget 2006 totalling nearly $20 billion over two years.

As well, he explained that Budget 2006 is only a first step — a work in progress. He confirmed that Bill C-13 implements a number of Prime Minister Harper's election campaign pledges. As I said in my speech at second reading: "Promises made, promises kept."

The minister stated his strong view that Canadians are seriously overtaxed and referred to the government's intention to make further tax reductions in future budgets, following appropriate, careful study of their effect on Canada's complex and intricate tax structure.

The minister responded to questions about those budget measures designed to open up the "playing field" in the business of mortgage default insurance in Canada where there are at present only two players, and just one of them from the private sector.

As well, two witnesses were heard on this important subject, one from Genworth Financial Canada and the other from AIG United Guaranty Canada.

Minister Flaherty explained that the new mortgage insurance measures to be implemented via part IX of Bill C-13 were introduced by the government so as to permit increased competition which, he said, will ultimately benefit all stakeholders.

He added that the new mortgage default insurance regime will benefit consumers, financial institutions, capital markets and the Canadian economy.

It will, he said, make our government-backed insurance system safer by spreading the risks among more players.

Finally, the minister said, it will create more liquidity in the market and constitutes a public policy initiative designed to create real competition in this particular field.

I should add that the witness from Genworth Financial, whilst supporting increased competition in the sector, raised a precautionary note and said:

> The government's intent to increase competition and benefits for home buyers is indeed commendable. However, we believe the legislation before you does not go far enough. It does not go far enough in ensuring that the government will achieve its objectives and, in fact, could put the excellent market we have in place in peril.
>
> We have two key recommendations for your consideration today. The first is that market conduct rules be required to ensure that Canadian home buyers — and I stress homebuyers — be the ones who actually benefit from this increased competition.
>
> Second, the federal government needs to provide the same level of government guarantee to all mortgage insurance providers, including the CHMC.
>
> Without these two measures, I firmly believe this legislation will not achieve its intended goal of benefiting Canadian homebuyers, and perhaps hinder a booming housing market.

Honourable senators, the minister is aware of these concerns, as are the relevant officials at the Office of the Superintendent of Financial Institutions and in Finance Canada. I understand that the appropriate steps will be taken to accommodate these two concerns when the new insurance regime is formally put in place.

On the issue of hidden budget surpluses as well as on the actual budgeted surplus of $3 billion in Budget 2006, Minister Flaherty told the committee:

> What is a balanced budget? Is a balanced budget when a government hides surpluses, when a government puts in the closet billions and billions of dollars that they know will likely be surplus at the end of the year? Is that prudence? I think it is something less than prudence. In fact I think it is quite undesirable in a democracy that elected people, running the Government of Canada, would budget in a manner where they ought to know they would end up with substantial so-called surprise surpluses. Prudence to me is budgeting a surplus, as we have done this year, of $3 billion plus. We did not end up with zeros at the end of each column; we put in the figures that we think will actually be left based on the assumptions that we have done, the surplus that will be there. Is it more risky than hiding money in the closet? Sure, it is. It is open, it is transparent and the people of Canada can see it. It is based on the assumptions we made, and we think they are prudent assumptions based on the advice we have and the analysis of the department and so on.
>
> I believe in balanced budgets. I do not believe in pretend surpluses that masquerade as prudence.

Honourable senators, a panel of economists and fiscal experts from the Fraser Institute, Global Insight Canada and the Canadian Taxpayers Federation appeared before the committee yesterday morning, and they applauded this refreshingly transparent approach to budgeting generally and surpluses in particular.

These economists, when questioned closely by senators, gave Budget 2006 their approval.

There was a lively and informative discussion at committee yesterday morning respecting the government's new universal child care benefit, UCCB.

Articulate witnesses, holding widely divergent views, appeared before the committee — I believe the Honourable Senator Cools is responsible for getting these fine people to the committee — to inform us how they see the UCCB working. We heard from Leslie Wilson, vice president of Wee Watch; Ken Battle of Caledon Institute of Social Policy, Lana Crossman of the Canadian Child Care Federation and Gwendolyn Landolt of REAL Women of Canada.

Ms. Wilson and Ms. Landolt clearly supported the government's child care initiative, whereas Ms. Crossman and Mr. Battle were four-square against it. On balance, all these witnesses agreed that child care in all its aspects raises complex questions and issues that are susceptible to a wide range of policy solutions. The one in Bill C-13 is the policy choice this government, rightly or wrongly, has chosen to go with. Importantly, both Mr. Battle and Ms. Crossman admitted that neither they nor the members of their organizations were surprised at all when the UCCB appeared in Mr. Flaherty's budget. After all, they agreed, it was clearly described in the Conservative Party election platform and promised by Prime Minister Harper during the election campaign. Dare I say again, honourable senators: Promises made, promises kept.

Federal government budgets never please everyone and often please no one. In the case of Budget 2006, the new Conservative government appears to have done a relatively competent job with its first crack at the exercise. The approvals amongst Canadians seem to outweigh disapprovals.

For this, Minister Flaherty and his colleagues, I respectfully submit, deserve and have earned our respect and support, especially because they seem to have done something that is rare in this game of politics — they have done what they said on the campaign trail they would do if they were elected. Well, honourable senators, they were elected, and bravo to them — promises made, promises kept.

Before closing, I want to commend particularly the chairman of the Standing Senate Committee on National Finance, Senator Day. I have been on many committees and have attended many

meetings. He did a fantastic job of running that committee, ensuring there was a fair and balanced hearing, allowing the witnesses to have a full expression of their views and allowing the senators to have full expression of their questions. I was impressed, and I thank him very much on behalf of all senators.

• (1520)

Honourable senators, let us support this budget and its implementation legislation by giving third reading to Bill C-13 and moving forward to a happy and restful Canada day for all Canadians including all honourable senators — except those sitting on the Bill S-4 committee.

The Hon. the Speaker *pro tempore*: Will the honourable senator take a question?

Senator Angus: Yes.

Hon. Francis Fox: Honourable senators, I should like to know if the new criterion for the soundness of good public policy in this country is in response to the question as the honourable senator put to the witnesses yesterday. Is he surprised at this initiative?

Senator Angus: I do not think that was the issue and I know that the honourable senator knows that it was not, but I thought the question was brilliantly posed and the answer was the one I liked.

Hon. Jerahmiel S. Grafstein: The Honourable Senator Angus was the deputy chair of a very important report of the Banking Committee recommending charitable givings to the government and a broad range of subjects. Does the honourable senator think the government went far enough in this bill to meet the recommendations of his Banking Committee?

Senator Angus: As the honourable chairman of that Banking Committee, Senator Grafstein will know that we were delighted to see this budget.

This is perhaps a place to give some kudos where they are due. There is a man in Toronto who is a recently retired senior executive of Bank of Montreal who has been campaigning on a crusade for 15 years. His name is Donald K. Johnson. He has gone tirelessly at his own expense from sea to sea to sea in this country lobbying, cajoling, arguing and trying to make a rational submission to the powers that be to increase generally charitable giving in the country and to find and identify ways and means to encourage it, including these tax measures.

We have seen him at the Banking Committee and other committees a number of times. The previous government made an admirable step forward when the Banking Committee was chaired by Senator Kolber. I believe the rationale was that these measures were to be tried out for five or six years. They had positive results, but clearly did not go far enough. This government, under advice and based on many representations by Mr. Johnson and the report of the Banking Committee, decided to go this far. There is still further to go, but there is one caveat left and that is private foundations.

We have had representations made to us. There are many of these private foundations in Canada. They are represented in one case by the daughter of our former colleague the Honourable Senator Pearson. As far as the committee is concerned, we would have recommended that the government go all the way. There are legitimate concerns that were outlined by the officials that we were not aware of before, and are not necessarily aware of now, about abusive practices by some alleged private foundations. These matters need to be closed off. That will be the next step and we have already had discussions with the minister.

Hon. Jack Austin: Honourable senators, I would like to give my friend Senator Angus an opportunity to crawl back from the edge of a ledge. After he has jumped into the river, I would like him to move back from the ledge he has just crawled onto. The argument of Senator Angus bears an implied premise that the previous governments of Mr. Chrétien and Mr. Martin somehow deliberately went out of their way to misrepresent the size of surpluses. If I do not understand that argument to be what I have just said it to be, then of course the honourable senator will correct me. However, that is how I understood it. I wish to inform Senator Angus that that was not the case.

In the last 10 years and in the current year we are living in quite dramatic, changing economic circumstances and it is very difficult to budget as one would see in any country. In that time, the U.K., the U.S. and particularly Australia has had surprising surpluses. The reason being that the world was caught unawares by the commodity pricing systems, brought on by the newly industrializing China and India, and also by the demand for energy. As honourable senators will know, Canada is a supplier of energy, particularly to the United States, and natural resource commodities to the world.

I would invite the honourable senator to come back off the ledge because given the current performance of those commodities, I would hate for the present government to discover that it had a surprising surplus and be accused of deliberately under-representing the performance of the Canadian economy. I am sure that Senator Angus would share that concern.

Senator Angus: As the honourable senator can see, I am not out on any ledge, but he is about 18 feet across the hall from where he was when he last gave that speech. I am delighted to know that he has not changed his tune about these surpluses. The reality is that when the honourable senator answered questions about surpluses the last time, he was a member of the government with the kind of knowledge I unfortunately do not have. That is why I took pains to quote the minister on the subject. I stand by my quote and the matter should lie there.

Hon. Anne C. Cools: Honourable senators, would Senator Angus take a question?

Senator Angus: Yes.

Senator Cools: We heard some extremely compelling testimony from two gentlemen, one being Mr. Peter Vukanovich from Genworth Financial Canada and other was Mr. Andy Charles from AIG United Guaranty Canada. The minds of committee members were opened in a way that they had not previously been. During clause-by-clause consideration of the bill, there were no officials from the Department of Finance to respond to some of the concerns they had raised.

In the 24 hours or so that have lapsed, has the honourable senator had a chance to talk to the minister? If so, perhaps Senator Angus could provide some sort of answer or some sort of assurance, reassurance or comfort to those particular gentlemen on the important issues that were raised. This is an important subject and I may expand on it if I decide to speak on this bill.

Senator Angus: I thank the honourable senator for her question. I am sorry she was not listening to my speech. I will read back what I said about five minutes ago because that is a little disappointing to me.

I should add that the witness from Genworth Financial, while supporting increased competition in the sector, raised the precautionary note and said:

> The government's intent to increase competition and benefits for homebuyers is indeed commendable. However, we believe the legislation before you does not go far enough. It does not go far enough in ensuring that the government will achieve its objectives and, in fact, could put the excellent market we have in place in peril.
>
> We have two key recommendations for your consideration today. The first is that market conduct rules be required to ensure that Canadian homebuyers, and I stress homebuyers, be the ones who actually benefit from this increased competition.
>
> Second, the federal government needs to provide the same level of government guarantee to all mortgage insurance providers, including CMHC.
>
> Without these two measures, I firmly believe this legislation will not achieve its intended goal of benefiting Canadian homebuyers, and perhaps hinder a booming housing market.

The minister has been made aware of these concerns as have been the relevant officials. I understand that the appropriate steps will be taken to accommodate these concerns when the new insurance regime is formerly put in place.

Senator Cools: I thank the honourable senator for his response, however, I was hoping for a more fulsome explanation of the testimony because it was compelling; I heard what Senator Angus had to say.

• (1530)

Since the honourable senator is the sponsor of Bill C-13, I wonder if he could comment on the following. If he looks at page 168, in the sections 196, 197 and 198, he will see that sections 197 and 198 do a peculiar thing. They actually repeal, in a sort of funny way, parts of the appropriation bill that we just passed a few weeks ago — Bill C-8, which was Appropriation Act No. 1 received Royal Assent on May 11, 2006.

Could we have some sort of an explanation as to why this unusual, and I would say bizarre technique has been used? Perhaps, for the record, I should put the clauses on the record.

Clause 197 states:

> If a bill, entitled Appropriation Act No. 1, 2006 = 2007, is introduced in the first session of the 39th Parliament and receives Royal Assent, Finance vote 10 of that act is repealed.

Then Clause 198 goes on to say:

> If a bill, entitled Appropriation Act No. 1, 2006-2007, is introduced in the first session of the 39th Parliament and comes into force before section 196 of this act, section 196 of this act is repealed.

This bill is both enacting and repealing the same clause in the same breath. Has anybody looked at that? This bill is permeated with many unusual things like that. I wonder if the honourable senator has wrapped his mind around that. If he has not, I understand that. I am just wondering if it has caught his attention or if he wants to share anything with us.

Senator Angus: Thank you, Senator Cools.

Honourable senators, the honourable senator raised that exact same question at the committee, from her seat, as deputy chair. There were many officials in the room. Nobody seemed to think it was unusual draftsmanship, given the intricate nature of taxation implementation and fiscal measure implementation legislation.

This is one of the cautions that I highlighted in my speech at second reading. When you tinker with a bill like this, the change of one comma or one word, whether it is in the body or in the schedules — which is what the honourable senator is referring to there, I believe, because I think the bill itself is only 186 pages. I may be wrong. Is that not one of the schedules?

Senator Cools: No, it is clauses 197 and 198 of Bill C-13.

Senator Angus: Of which part? There are 13 parts. In any event, because the honourable senator's question was so technical and it clearly resulted from reading the whole bill, I asked the officials if there was an anomaly there, or a possibility of an error or an omission, and I was assured that there were not any problems. That is the best I can do for the honourable senator.

Senator Cools: I appreciate the honourable senator's response. That is part 9 of the bill, which is the bill in respect of Genworth Financial Canada. By clauses 196, 197 and 198, the bill repeals sections from appropriation acts. In section 196, it repeals vote 16B from Appropriation Act 2003-2004. That is sort of understandable; that appropriation act is from two years ago. The question that I had for the honourable senator is a parliamentary question, and it is not a question I had raised previously in committee.

The question I raised yesterday was about the phenomenon of clause 181, which was about deeming to have come into force. It was a different parliamentary point. This question bears directly on the testimony of the gentleman from Genworth Financial Canada and from AIG United Guaranty Canada.

I understand that the honourable senator does not have it in front of him. Perhaps it has not caught his attention. I certainly did not raise it before. The reason I did not raise it before is I did not want to embarrass the minister who was before us. It is a very

queer situation, because Bill C-13 has clause 196, which repeals a vote of the Appropriations Act, 2003-2004. Clause 198 then repeals clause 196. The bill both enacts and repeals in the same breath. I just thought it had caught the honourable senator's attention.

I suppose some people think it is no big deal, but it is a big deal. If honourable senators look to the fact that sections 197 and 198 are repealing parts of the Appropriation Act 2006-07 that only came into force on May 11, 2006, you really wonder what could have happened that these sections are being repealed two or three weeks later. Parliament should know that this kind of thing is happening.

Hon. Grant Mitchell: Honourable senators, I have a question of Senator Angus as well.

I am quite struck by the apparent confidence of Senator Angus and the Minister of Finance in committee in their projection of the surplus. They established it to be in the order of $3.6 billion. It is very interesting to me. I would be more concerned about overestimating the surplus than I would be about underestimating it.

It is an interesting contradiction. The Conservatives in Alberta made an absolute virtue out of underestimating the surplus. What they did — and I must say there is some sense to it, although I do not see that sense applied with the federal Conservatives — is they used very conservative assumptions in their budgetary projections. Essentially, this budget, as projected, has about a 1.5 per cent leeway.

The accuracy of that projection will, of course, be based upon a number of things that are highly speculative. What will happen to interest rates, commodity prices and the value of the Canadian dollar? Those three things will affect directly the success of our economy and, therefore, tax revenues to the treasury.

My point is this: What is it about this government, given its history of absolute inaccuracy in being able to deliver a balanced budget — previous Conservative governments, that is; I think 1912 was the last time they ever did it — where do they get the confidence they can actually predict these three important assumptions so successfully that they know they are going to come within 1.5 per cent? Certainly, they will not in any way, shape or form, overestimate their surplus. Has the government run any kinds of models where oil prices are maybe $65, or they are $60 or $55 or $50 — and that interest rates are not 5 per cent or 6 per cent but maybe 7 per cent or 8 per cent? What if the Canadian dollar is not worth 91 cents or 92 cents, but maybe 95 cents or 97 cents or 80 cents? How can your government be so confident?

The concern I have is not that your government would end up with extra money that you could put on the debt or use for programs or lower taxes; my concern is your government will end up with far less money than the honourable senator thinks. Remember, based on those very volatile and difficult assumptions, the honourable senator is within 1.5 per cent of disaster. Your history in government has been literally fiscal disaster.

Senator Angus: Honourable senators, I did not hear a question, but I think it is a very nice point and it is noted.

[Senator Cools]

Senator Mitchell: Honourable senators, I did ask a question. What models has the government run, under what assumptions, to establish what the government might do if it does not meet this 1.5 per cent leeway that the honourable senator has established so confidently?

Senator Angus: As the honourable senator knows, he asked the same questions not only to the minister, but also to the economists.

Senator Mitchell: Honourable senators, I did not get a reply.

Senator Angus: Honourable senators, I cannot answer the question any better than the minister is able to answer the question. However, as I said, charitably, in your view as maybe a professional, maybe an amateur economist, you have made a valid point. We have noted it. Let us see how it turns out. The minister is very confident and I think he is very competent as well.

• (1540)

Hon. Art Eggleton: Honourable senators, I rise at third reading of Bill C-13 to oppose it. I opposed it at second reading when I indicated that it did not meet the needs or interests of Canadians. I cited the deficiencies in the provisions within the bill with respect to the GST, the income tax increase, the meagre child care provisions compared to needs, and the tax credits, et cetera. I noted those things that unfortunately were not in Budget 2006 such as the Kelowna agreement, the climate change plan, the Kyoto Protocol, post-secondary education and provisions for innovation and research leading to greater productivity. Many issues are not included in this budget bill. After Bill C-13 was referred to committee, where we heard from various witnesses and had discussion amongst ourselves, I became all the more convinced that this budget does not meet the needs or interests of Canadians.

I will focus on two aspects of this bill today, Part 1 and Part 6, which deal with the main provisions of the GST and income tax, and the child care component. All three witnesses that came before the committee with respect to GST reduction versus income tax reduction, — indeed, any economist and editorial writer we have heard from — said it is a bad idea to put in a GST reduction when you could use that same money for income tax reductions.

Dale Orr, Managing Director of Canadian Macroeconomic Services at Global Insight Canada, said:

> ...an across-the-board reduction in each marginal personal income tax rate...could have a very beneficial impact on productivity and economic growth over the longer run.
>
> To use up our valuable fiscal room by focusing on reductions in the GST and the scatter of targeted tax credits will do little to strengthen the Canadian economy.

He went on to say:

> Another benefit of our overall tax structure from reducing income taxes, as opposed to consumption taxes, in Canada relies much more heavily on income taxes, which directly impact our international competitiveness relevant to consumption taxes that most other developed countries adhere to.

Clearly, he and others on the panel testifying before the Standing Senate Committee on National Finance, including John Williamson from the Canadian Taxpayers Federation — no friend of the liberals; and Niels Veldhuis, from the Fraser Institute, said that given the choice, a much better impact on the economy could be felt by a reduction in income tax as opposed to a reduction in the GST rate.

I want to move an amendment to the bill that the money allocated for the reduction of the GST be reallocated for a reduction in income tax and bring it back to the level of the liberal government, a level that the current government has increased. I will get back to that issue in a moment.

Another good piece of evidence along these lines came from Davis Douglas Robertson, who is a tax lawyer. The title of his paper is meaningful in terms of this issue, "Don't tax me when I earn it, tax me when I spend it." Mr. Robertson claims that cutting the lowest marginal personal income tax rate by 1 per cent, increasing the basic personal amount to that of the previous government, is worth about $320 annually to most individual Canadians. For an individual to obtain the same tax savings through this 1-per-cent reduction in GST, an individual would have to spend at least $32,000 annually on goods and services that are subject to GST. A good many things are required on a day-to-day basis by moderate and low-income people, such as rent, mortgage, groceries, prescription drugs, et cetera, that are not subject to GST provisions. Yet, they have to spend $32,000 on other than the necessities. As I indicated at committee, unless they are about to buy a Mercedes, many of them will never come close to spending $32,000 in one year to take full advantage of the 1-per-cent reduction.

Honourable senators, there is another aspect to this. Who is to say that merchants, who will charge only 6 per cent instead of 7 per cent, will pass that on to the consumer? How are merchants required to pass this on to the consumer? They might well decide to increase their profit margin and not pass it on. For the big-ticket items, the amount would be more noticeable so they will pass it on but when someone buys a $5 item or a $10 item, it will not be as noticeable. Will merchants give customers the reduction? Possibly they will not do that. People of modest income will not realize the kind of benefit that the government has indicated.

There is one more person that I wish to quote. I had hoped that the members opposite would listen but I can see that they are well into conversations over there. However, they might be interested in this next quote, which states much the same thing, by the former Minister of Finance for the Province of Ontario, the Honourable Jim Flaherty.

When I posed these questions to him at committee, he said, "I meant them in a very specific context at that time. It had to do with automobiles, it was very specific." I read them again, and to me, they look like generalized statements. He said:

> You could reduce the retail sales tax, which is another way of making goods more affordable, but you could do it another way. You can put money right back into people's pockets directly by saying, here is a reduction in your personal income tax, spend it as you see fit."

That is very much in accordance with Mr. Robertson's comment: "Don't tax me when I earn it, tax me when I spend it."

Mr. Flaherty said something else that is noteworthy. He said:

> The member opposite again raises the question of reducing the sales tax. I must say that with respect to tax cuts, I agree with Paul Martin. With respect to reducing the GST federally and the RST provincially, I also agree with the federal minister that all you get is a short-term hit, quite frankly. You accelerate spending. You put it ahead by a month or two. It has no long-term positive gain for the economy.

Honourable senators, those comments were made in 2001 by the current Minister of Finance. You cannot help moderate and low-income people with a reduction in the rate of sales tax. The better way is to reduce income tax.

Minister Flaherty tried to argue before the committee that he had lowered the income tax by going from 16 per cent to 15.5 per cent. However, the economists present at the meeting did not buy it. In his paper, Mr. Orr says of such a claim that a reality check is in order. He pointed out that the current rate in effect from the position implemented by the Canada Revenue Agency on the basis of a ways and means motion — the traditional way these things are done — is indeed a tax rate increase from 15 per cent to 15.5 per cent. In addition, the basic personal amount, BPA, will also go up. This is to the disadvantage of people in the lower income tax brackets.

Mr. Flaherty also claimed that there were about 665,000 low-income Canadians being removed from the tax rolls altogether. Mr. Orr said that this change in the basic personal amount, from $9,039 to $8,639, would put about 200,000 people back on the rolls. The claim, Mr. Orr pointed out, requires a reality check.

Mr. Orr also took issue with the $20-billion claim of Mr. Flaherty over the next two years as being the tax savings passed on to Canadians. He said that the amount was greatly inflated and that it would be closer to half that amount.

I do not understand how Senator Angus can take comfort in the presentations made by the economists before the Finance Committee because they said that this was not what it was presented to be.

• (1550)

Thank goodness, we have Senator Austin's Bill S-215, which will help get us back to where we should be and provide more benefits for low- and moderate-income people, particularly those affected by the lowest marginal rate of income tax.

With respect to part 6, which deals with the early learning and child care provisions, which I do not think the government understands at all. Their program is not an early learning program and it is not even a child care program. It is a family allowance measure, which will put $100 less tax into the hands of people who have children less than 6 years of age. The program does not cover an awful lot of people. The amount certainly does not come anywhere near the costs that people have to absorb. In the various provinces right across the country, we are looking at, in the pre-school years, at least $400 or $500, as the average costs. One hundred dollars less tax is not going to help families meet their child care needs very much at all.

The representative of the Caledon Institute of Social Policy, Ken Battle, a holder of the Order of Canada and a very distinguished member in the development of social policy, presented a chart to the committee. The chart indicated that the families who would gain the most from this $100 a month would be one-earner couples earning at least $250,000 a year, whereas the low-income families and single parents would gain the least.

What kind of a system is that, which penalizes the poor, both the working poor and those on welfare? Mr. Battle said,

> If the government had taken the $1,200, added it to the base Canada Child Tax Benefit — which is a very efficient, well-known program that is supported by all levels of government and by all parties — almost all families, except for very high income ones, would have got $1,200 and would have kept it. It is a non-taxable benefit. They would not have lost the young child supplement; they would not have had to pay income tax on the amount; and they all would have received a boost of $1,200. This would have helped low-income families in particular. It would have moved the total benefit from $1,200 and the existing Canada Child Tax Benefit to about $4,600 maximum, which is close to the target of $5,000. It would have substantially improved child benefits for modest and middle income families as well. That, senators, is the way in which the government should have handled a child care benefit. However, it will not be doing it that way and, as a result, we have one of the worst social programs I have seen in my career.

I am tempted to move an amendment to put the $1,200 over to the Canada Child Tax Benefit. That would certainly provide for a lot better benefit.

That is not the whole story coming from people out there. We are also hearing from the public.

The public, through an Environics Research Group poll published the other day, clearly indicate that it does not support this government's plan as being the answer to child care. Seventy-six per cent of Canadians said they support a national child care system to provide affordable child care to parents. When asked specifically about the Conservative plan versus the Liberal plan, 35 per cent thought the $1,200 allowance was all right, but 50 per cent said they needed the entire program that the previous government had negotiated.

Honourable senators, there you have clear indication of what the public wants. It is a shame what this government has done to that program, cancelling it after getting the provinces to agree. The government will say there was not much agreed upon and that the Liberals took a dozen years or so and they did not accomplish it. Yes, the program did take a long time. The federal government had offered it a number of years ago, but the provinces were not ready to take it up. The federal government, the Liberal government of the day, recognized that the provinces had to be on side. It is very interesting that this government does not seem to care about the provinces. This government not only cancels a program that the provinces want, but on top of that, when it comes to spending more money to try to create spaces, this $250 million that is supposed to create 25,000 spaces, it seems to want to go over the heads of the provinces and deal with the community.

The government says that there will be consultations, maybe with the private sector, although the Conservative government in Ontario tried that and it did not work. One article in *The Globe and Mail* suggests that a poll indicates that 75 per cent of employers would not, in fact, try to get into this program at all.

There is no indication of any success. Why are they bypassing the province anyway? They are supposed to be the ones that say if it is in provincial jurisdiction, then they should be doing the program. They are not going that route with their $250 million, as inadequate as it is to meet the needs. I think the provinces recognize that they wanted to keep going with the program of the previous government.

It would be nice to see some changes to this program. People in this chamber more experienced than I have indicated that the tradition is when it comes to budget bills, that the other House has a higher priority in terms of its wishes and that in fact it is in the Constitution that they do have responsibility with respect to that. To that end, we should allow the government's budget to stand.

I think that is regrettable, because I do not think this is in the best interests of Canadians. How did the government get into a position where the body of evidence is so strong against what they are doing on these and other measures that we are facing this situation today?

As Senator Angus said, they promised it in the election. I am not sure they thought it through very well, honourable senators, this GST cut. They thought perhaps the $1,200 would be different from the Liberals' program and that maybe it helps meet some other socially conservative agenda that some of their members would be happy to see.

Senator Oliver: Honourable senators, it is very popular.

Senator Eggleton: Honourable senators, it looks like they locked themselves into it. They are locked in to the point that they are standing on it and prepared to go to an election on it. It is one of their five points. It is unfortunate that what we have here is a sacrifice of good government, good public policy and good fiscal management for the sake of political expediency.

Some Hon. Senators: Hear, hear!

Senator Eggleton: If we were to deal with this in the traditional fashion — and that is not to amend or defeat it — then I certainly will say two words when we come to asking the question about supporting it. I will say "on division," because I do not support it.

On motion of Senator Austin, debate adjourned.

The Senate adjourned until Thursday, June 22, 2006, at 1:30 p.m.

CONTENTS

Wednesday, June 21, 2006

PAGE

Visitors in the Gallery
The Hon. the Speaker 588

SENATORS' STATEMENTS

Tributes
The Late Honourable J. Michael Forrestall.
Hon. Marjory LeBreton 588
Hon. Daniel Hays 588
Hon. Gerald J. Comeau 589
Hon. Bill Rompkey 589
Hon. Michael A. Meighen 589
Hon. Wilfred P. Moore 590
Hon. Donald H. Oliver 590
Hon. Terry M. Mercer 590
Hon. Norman K. Atkins 591
Hon. Colin Kenny 591
Hon. Marcel Prud'homme 592
Hon. Jean Lapointe 592
Hon. Mira Spivak 592
Hon. Joyce Fairbairn 593
Hon. Art Eggleton 593
The Hon. the Speaker 593

ROUTINE PROCEEDINGS

Study on Current State of Canadian Media Interests
Report of Transport and Communications Committee Tabled.
Hon. Lise Bacon 593

Study on National Security Policy
Report of National Security and Defence Committee Tabled.
Hon. Colin Kenny 594

Study on Present State and Future of Agriculture and Forestry
Interim Report of Agriculture and Forestry Committee Tabled.
Hon. Joyce Fairbairn 594

Boy Scouts of Canada
Private Bill to Amend Act of Incorporation—
Presentation of Petition.
Hon. Consiglio Di Nino 594

Canada-Africa Parliamentary Association
Ordinary Session of Pan-African Parliament, May 1-2, 2006—
Report Tabled.
Hon. A. Raynell Andreychuk 594

PAGE

QUESTION PERIOD

National Defence
Multi-mission Effects Vehicle—
Status of Upgrade to Weapons System.
Hon. Roméo Antonius Dallaire 594
Hon. Marjory LeBreton 594
Arctic Sovereignty—Possible Acquisition of Ice Breakers.
Hon. Bill Rompkey 595
Hon. Marjory LeBreton 595
Arctic Sovereignty—Refit of CCGS *J.E. Bernier*.
Hon. Bill Rompkey 595
Hon. Marjory LeBreton 595

Public Works and Government Services
Framework for Procuring Information
and Communications Technology.
Hon. Daniel Hays 595
Hon. Michael Fortier 596

Parliament
House of Commons—
Motion to Deem Third Reading of Bill C-2.
Hon. Lowell Murray 596
Hon. Marjory LeBreton 596

ORDERS OF THE DAY

Business of the Senate
Hon. Gerald J. Comeau 596

The Senate
Motion to Strike Special Committee on Senate Reform Adopted.
Hon. Joan Fraser 596
Hon. Anne C. Cools 597

Budget Implementation Bill (Bill C-13)
Third Reading—Debate Adjourned.
Hon. W. David Angus 600
Hon. Francis Fox 602
Hon. Jerahmiel S. Grafstein 602
Hon. Jack Austin 602
Hon. Anne C. Cools 602
Hon. Grant Mitchell 604
Hon. Art Eggleton 604

MAIL ➤ POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 27

OFFICIAL REPORT
(HANSARD)

Thursday, June 22, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

LIBRARY
AUG 0 3 2006
University of Toronto

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Thursday, June 22, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before calling upon Senator Watt, it is my understanding that he may deliver part of his statement in Inuktitut. Is leave granted that Senator Watt be permitted to use Inuktitut during his statement?

Hon. Senators: Agreed.

Hon. Charlie Watt: First, I have to ask leave of the Senate that translation of my remarks in Inuktitut be printed in the *Debates of the Senate* in both official languages.

Hon. Senators: Agreed.

ABORIGINAL DAY

Hon. Charlie Watt: Honourable senators, as much as I would have liked to speak on National Aboriginal Day, which is a very important day for our people, the time did not permit me.

Let me say a few words in Inuktitut. An English translation will be provided to honourable senators.

[*Editor's Note: Senator Watt continued in Inuktitut — Translation follows.*]

Yesterday, we celebrated the tenth anniversary of National Aboriginal Day. This special day pays tribute to the heritage and cultures of Canada's Inuit, Indians and the Metis who welcomed the newcomers at the beginning of time, your time, not our time.

We have a lot of unfinished business to deal with together. One example that I would like to highlight is a matter that I consider an urgent issue. We, Nunavik people, are the biggest taxpayers in this country. As you know, the high cost of living fluctuates and at times, when the oil and gas price goes up, everything else goes up. At least you have the luxury of enjoying when the price goes downwards. We do not have that same luxury; in the North, it does not go downwards. The high cost of living continues to go upwards. If you compare the purchasing power of a dollar between the North and the South, the gap is so wide. We are also compounded with problems such as the high cost of living and the high cost of transportation, taxes over taxes, just to name a few.

In some cases, three to four families are living in the same household and it creates a health, social and economic problem, as I am sure you can appreciate. Access to clean drinking water is getting worse every year. Due to the continuing escalation of costs in the North, most of the people are unable to purchase hunting equipment that would normally bring basic food to the household.

Honourable senators, I need your attention and your help to assist me in acting on the urgency of this issue. Therefore, when we come back in the fall, I would like to put forward a temporary emergency measures instrument to have tax-free status in Nunavik, which is in Quebec, north of the 55th parallel, until the problem is resolved. My office is now looking into the implications to tax law at both federal and Quebec levels.

I am counting on honourable senators.

• (1340)

Hon. Senators: Hear, hear.

[*Translation*]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Watt made his statement in Inuktitut, a language very few of us know.

Permission was requested and obtained to allow the honourable senator to make his statement in his first language and for translation to be provided in both official languages.

We must be careful when consenting to this type of request because we are not currently able to offer interpretation into both official languages. We will have to read his statement in the official report tomorrow.

With all due respect to my friend, this is a departure from practice; it is an innovation in the Senate and we will have to study the matter and look at ways to make it possible.

A motion is on the Order Paper to study the question of recognizing a language other than the two official languages. At that time, we can look at whether there is a way to meet this need for languages other than the two official languages.

Honourable senators, I wish to emphasize that we must be careful in this chamber because we have two official languages, and we will have to discuss a suitable approach and find a long-term solution.

[*English*]

SUDAN

VIOLENCE IN DARFUR

Hon. Roméo Antonius Dallaire: Honourable senators, when the United Nations was founded, great trouble was taken to protect state sovereignty. A notable exception — echoed in the Responsibility to Protect concept created by Canada and accepted by the United Nations General Assembly last

September — was the 1948 genocide convention, which allowed any signatory to call upon the United Nations to take appropriate action to prevent and suppress acts of genocide.

Still, the international community failed Cambodia in the 1970s, we failed Rwanda in 1994, and for three years we have repeatedly failed the people of Darfur. Since the Darfur Peace Agreement was signed in May, there has been no respite to the violence in Darfur. Now that the rainy season is close at hand and access becomes totally impossible in that land, all forms of transport will be immobilized and the people will enter another period of famine.

I am not arguing that the situation in Darfur can or should be labelled genocide necessarily. However, some might say that the 2 million people slaughtered by the Khmer Rouge were not victims of genocide since most belonged to the same national, political, ethnic or religious group as the perpetrators. How productive would this be? Leave labels to the courts. We need action now and not words, for as we remain crippled by words, we have allowed over 180,000 Darfurians to die over this three-year period. That number is equal to the population of Regina.

• (1345)

This is why UN Secretary-General Kofi Annan, by mandate of the Security Council, appointed a Special Adviser on the Prevention of Genocide. He appointed the adviser to incite action, not argue semantics. I am proud to say I have been asked to serve on the Advisory Committee on Genocide Prevention established to assist the special adviser. I am honoured to say I will serve along side people such as Garth Evans, the former Minister of Foreign Affairs from Australia who authored for us the responsibility to protect concept; and Archbishop Desmond Tutu Supported by Dr. Frank Chalk at Concordia University's Montreal Institute for Genocide and Human Rights Studies, I humbly hope to contribute an impact to the warding off of genocide by early prevention.

Having said that, our first meeting last week has convinced me that every member is not content to be just another talking head. We are there to move the yardsticks at the UN, and move them we will. However, this is only part of the picture. The UN is only as effective as the will of its members allows it to be. Leadership and initiative from member states is crucial, and as a senator I call on Canada to fill that void of leadership as a leading middle power in the world. With regard to Darfur in particular, the time is now to act. The longer we wait, the greater the failure.

MAYANN E. FRANCIS

CONGRATULATIONS ON APPOINTMENT AS LIEUTENANT GOVERNOR OF NOVA SCOTIA

Hon. Donald H. Oliver: Honourable senators, I rise today with wonderful news. I am pleased to draw your attention to an announcement made two days ago from the Office of the Prime Minister, Stephen Harper, that Mayann E. Francis, from Whitney Pier, Cape Breton, has been appointed Lieutenant Governor of the province of Nova Scotia.

Until her appointment, she was the Chief Executive Officer of the Nova Scotia Human Rights Commission, and I have had the honour to work with her over many years in fields of human rights, diversity, equality and fairness for all citizens of Nova Scotia.

Honourable senators, Mayann Francis is a Black woman from Cape Breton. She is an exceptional Canadian. She has served as the Ombudsman for the Province of Nova Scotia; has been a senior level public servant in the Province of Ontario and Nova Scotia; a newspaper columnist; a social activist and a public speaker. Ms. Francis holds a Bachelor of Arts degree from St. Mary's University in Halifax, and a Master of Public Administration from New York University, where she specialized in personal and labour relations. Honourable senators, I am also proud to say that Ms. Francis recently earned a certificate in theological studies from the Atlantic School of Theology.

The Prime Minister's press release said:

> Ms. Francis has been active for years in fostering greater tolerance and recognition of the benefits of diversity in our communities.

Honourable senators, I compare the significance of this appointment to that of Lincoln Alexander, the first Black man in Canadian history to become a cabinet minister, in 1979; and, later, who became the Queen's representative in Canada's largest province as Lieutenant Governor of Ontario. Mr. Alexander is one of Canada's most distinguished elder statesmen.

The Mayann Francis appointment is recognition of the profound commitment Prime Minister Stephen Harper has in making the business case for diversity a reality for all Canadians. This appointment underlines Stephen Harper's strong commitment to equalizing issues of gender and ethnicity in Canada.

Honourable senators, I congratulate Mayann Francis as Her Majesty's representative in Nova Scotia, and I congratulate Prime Minister Harper in choosing so wisely. I trust there will be many more.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS

BUDGET, ENGAGE SERVICES AND TRAVEL— STUDY ON MATTERS RELATING TO AFRICA— REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Foreign Affairs has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on May 9, 2006 be authorized to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its study, and to travel outside Canada for the purposes of such study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

HUGH SEGAL
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix A, p. 276.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND ENGAGE SERVICES— STUDY ON STATE OF HEALTH CARE SYSTEM— REPORT OF COMMITTEE PRESENTED

Hon. Wilbert J. Keon, Deputy Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

FIFTH REPORT

Your Committee was authorized by the Senate on Tuesday, April 25, 2006 to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002, and in particular was authorized to examine issues concerning mental health and mental illness, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILBERT JOSEPH KEON
Deputy Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix B, p. 282.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Keon, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND ENGAGE SERVICES—STUDY ON CANADIAN ENVIRONMENTAL PROTECTION ACT—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to undertake a review and report on the Canadian Environmental Protection Act (1999, c. 33) pursuant to Section 343(1) of the said Act, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix C, p. 288.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Banks, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

NATIONAL SECURITY AND DEFENCE

BUDGET, ENGAGE SERVICES AND TRAVEL— STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE PRESENTED

Hon. Colin Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on National Security and Defence has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix D, p. 294.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1355)

STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

INTERIM REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table, in both official languages, the second (interim) report of the Standing Senate Committee on Fisheries and Oceans entitled: *The Atlantic Snow Crab Fishery.*

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET AND ENGAGE SERVICES—STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Transport and Communications has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the Canadian news media, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix E, p. 308.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration later this day.

FOREIGN RELATIONS

BUDGET, ENGAGE SERVICES AND TRAVEL— STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Foreign Affairs has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 9, 2006, to examine such issues as may arise from time to time relating to foreign relations generally, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other

personnel as may be necessary for the purpose of its study, and to travel within and outside Canada for the purposes of such study.

Pursuant to section 2(1)(c) of Chapter 3:06 of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

HUGH SEGAL
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix F, p. 314.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, report placed on the Orders of the Day at the next sitting of the Senate.

• (1400)

[*English*]

FISHERIES AND OCEANS

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS—REPORT OF COMMITTEE PRESENTED

Hon. Bill Rompkey, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 16, 2006 to examine and report on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel and adjourn from place to place within Canada, for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c), of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

WILLIAM ROMPKEY, P.C.
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix G, p. 320.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Rompkey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON CONTAINERIZED FREIGHT TRAFFIC—REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Transport and Communications, presented the following report:

Thursday, June 22, 2006

The Senate Standing Committee on Transport and Communications is pleased to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Thursday, May 11, 2006, to examine and report on containerized freight traffic handled by Canada's ports, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada for the purposes of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

LISE BACON
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix H, page 328.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, June 22, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIFTH REPORT

Your Committee recommends that the following funds be released for fiscal year 2006-2007.

Aboriginal Peoples (Legislation)

Professional and Other Services	$ 7,800
Transport and Communications	$ 0
Other Expenditures	$ 1,000
Total	**$ 8,800**

Agriculture and Forestry (Legislation)

Professional and Other Services	$ 10,000
Transport and Communications	$ 1,000
Other Expenditures	$ 1,000
Total	**$ 12,000**

Banking, Trade and Commerce (Legislation)

Professional and Other Services	$ 22,000
Transport and Communications	$ 0
Other Expenditures	$ 8,000
Total	**$ 30,000**

Energy, the Environment and Natural Resources (Legislation)

Professional and Other Services	$ 8,000
Transport and Communications	$ 0
Other Expenditures	$ 2,000
Total	**$ 10,000**

Legal and Constitutional Affairs (Legislation)

Professional and Other Services	$ 42,500
Transportation and Communications	$ 27,610
Other Expenditures	$ 4,000
Total	**$ 74,110**

Rules, Procedure and the Rights of Parliament

Professional and Other Services	$ 18,375
Transportation and Communications	$ 0
Other Expenditures	$ 0
Total	**$ 18,375**

Scrutiny of Regulations (Joint Committee)

Professional and Other Services	$ 1,200
Transportation and Communications	$ 1,650
Other Expenditures	$ 2,640
Total	**$ 5,490**

Social Affairs, Science and Technology (Legislation)

Professional and Other Services	$ 6,000
Transport and Communications	$ 0
Other Expenditures	$ 2,000
Total	**$ 8,000**

Transport and Communications (Legislation)

Professional and Other Services	$ 10,000
Transport and Communications	$ 0
Other Expenditures	$ 2,000
Total	**$ 12,000**

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1405)

BANKING, TRADE AND COMMERCE

BUDGET AND ENGAGE SERVICES—STUDY ON CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR—REPORT OF COMMITTEE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

FOURTH REPORT

Your Committee which was authorized by the Senate on Tuesday, May 2, 2006, to examine and report on consumer issues arising in the financial services sector, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix I, p. 336.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND ENGAGE SERVICES—
STUDY ON ISSUES DEALING WITH DEMOGRAPHIC
CHANGE—REPORT OF COMMITTEE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

FIFTH REPORT

Your Committee which was authorized by the Senate on Tuesday, May 2, 2006, to examine and report on issues dealing with demographic change that will occur in Canada within the next two decades, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix J, p. 342.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ABORIGINAL PEOPLES

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY
ON INVOLVEMENT OF ABORIGINAL COMMUNITIES
AND BUSINESSES IN ECONOMIC DEVELOPMENT
ACTIVITIES—REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, for Senator St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 9, 2006, to examine and report on the involvement of Aboriginal communities and businesses in economic development activities in Canada, respectfully requests the approval of funds for fiscal year ending March 31, 2007, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place within Canada for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

HUGH SEGAL
For Gerry St. Germain, Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix K, p. 348.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND ENGAGE SERVICES—
STUDY ON CONCERNS OF FIRST NATIONS RELATING
TO SPECIFIC CLAIMS PROCESS—
REPORT OF COMMITTEE PRESENTED

Hon. Hugh Segal, for Senator St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 30, 2006, to examine and report on the general concerns of First Nations in Canada related to the federal Specific Claims process, respectfully requests the approval of funds for fiscal year ending March 31, 2007, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

HUGH SEGAL
For Gerry St. Germain, Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix L, p. 358.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1410)

BANKING, TRADE AND COMMERCE

BUDGET AND ENGAGE SERVICES—
STUDY PROCEEDS OF CRIME (MONEY LAUNDERING)
AND TERRORIST FINANCING ACT—
REPORT OF COMMITTEE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SIXTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 16, 2006, to undertake a review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act,* respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix M, p. 364.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BUDGET AND ENGAGE SERVICES—STUDY ON ISSUES
DEALING WITH INTERPROVINCIAL BARRIERS
TO TRADE—REPORT OF COMMITTEE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, May 2, 2006, to examine and report on issues dealing with interprovincial barriers to trade, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix N, p. 370.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

HUMAN RIGHTS

BUDGET AND ENGAGE SERVICES—STUDY ON LEGAL
ISSUES AFFECTING ON-RESERVE MATRIMONIAL
REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW RELATIONSHIP—
REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Human Rights has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to invite the Minister of Indian and Northern Affairs Canada to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix O, p. 376.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1415)

BUDGET AND ENGAGE SERVICES—STUDY ON ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS—REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Human Rights has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix P, p. 382.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

BANKING, TRADE AND COMMERCE

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM—REPORT OF COMMITTEE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

EIGHTH REPORT

Your Committee which was authorized by the Senate on Tuesday, May 2, 2006, to examine and report upon the present state of the domestic and international financial system, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and that it be empowered to travel within and outside of Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix Q, p. 388.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

HUMAN RIGHTS

BUDGET AND ENGAGE SERVICES—STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE—REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Human Rights has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix R, p. 396.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1420)

BUDGET, ENGAGE SERVICES AND TRAVEL—
STUDY ON INTERNATIONAL OBLIGATIONS
REGARDING CHILDREN'S RIGHTS AND FREEDOMS—
REPORT OF COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 22, 2006

The Standing Senate Committee on Human Rights has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report upon Canada's international obligations in regard to the rights and freedoms of children, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place within Canada for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

A. RAYNELL ANDREYCHUK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix S, p. 402.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

FEDERAL ACCOUNTABILITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

An Hon. Senator: Return to sender.

On motion of Senator Comeau, with leave of the Senate and notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading later this day.

• (1425)

[*Translation*]

QUESTION PERIOD

TREASURY BOARD

FEDERAL ACCOUNTABILITY BILL—
AMENDMENT REGARDING LOBBYIST'S RIGHT
TO APPEAL EXEMPTION

Hon. Francis Fox: My question is for the Leader of the Government in the Senate and has to do with Bill C-2, as amended by the government. A last-minute amendment to this bill will allow transition team members to seek an exemption in order to act as lobbyists. Yet just a few hours before the Baird amendment, the Prime Minister said, and I am quoting the article in the *Citizen*:

[*English*]

My belief is that our lobbying restrictions should be applied to these individuals every bit as much as to any member of this government.

[*Translation*]

In response to a question from the Honourable Senator Munson on June 13 about the amendment known as the "Roscoe amendment", the Honourable Leader of the Government in the Senate said:

[*English*]

> We cannot change the proposed accountability act to accommodate a friend.

[*Translation*]

Can the minister explain why and at whose instigation this sea change occurred at the last minute?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the Honourable Senator Fox for his question. It was a technical change only to allow the members of the transition committee the same course of action afforded others who have worked for the government to appeal their cases to the commissioner of lobbyists. The change was simply to bring the act into line with what was provided for all others. This affords the members of the transition team the right to appeal the decision of the government to the commissioner of lobbyists.

[*Translation*]

Senator Fox: The Leader of the Government in the Senate is no doubt aware that this sort of act of contrition or eleventh-hour confession fuels cynicism about politics in general, to such a degree that some newspapers gave their stories today headlines such as:

> Accountability Act Lets Tory Friends Seek Exemptions

This leaves the impression — certainly mistaken — that only Conservative cronies can successfully move amendments.

Can the minister assure us that when Bill C-2 is reviewed, her government will give serious consideration, in good faith, to any amendments proposed by Liberal, independent or Conservative senators, even if they are not friends of the regime?

[*English*]

Senator LeBreton: Honourable senators, it is only common sense that the right to appeal decisions belongs to everyone. Certainly, if the honourable senator were in such a position, he would want the same right to appeal a government decision with the commissioner of lobbyists. This does not make special provision for anyone. Rather, the technical change simply ensures that everyone has the same right to appeal. It does not mean that people can proceed to lobby pending the potential appeal to the commissioner of lobbyists.

FEDERAL ACCOUNTABILITY BILL— RIGHT OF SENATORS TO INTRODUCE AMENDMENTS

Hon. Francis Fox: I would assume that the analyst's comments are incorrect.

I will broaden my question to the minister. Would the Leader of the Government in the Senate recognize that Parliament is indeed composed of two Houses; that this house has a duty to fulfill both its constitutional and historical mandate to study legislation in depth and to propose amendments in the public interest; and that senators proposing amendments ought not to be treated as rogues, as was done recently by a leading minister of the government?

• (1430)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I absolutely respect the right of the Senate and the Standing Senate Committee on Legal and Constitutional Affairs to give this bill thorough study. Honourable senator, even though we on this side became accustomed to being called "rogues" on many occasions, I would never condone anyone calling anyone a "rogue."

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM

Hon. Marilyn Trenholme Counsell: Honourable senators, regarding my question to the Leader of the Government in the Senate, I would like to say that I am not beating a dead horse. As you can imagine, it concerns child care — "daycare" in the Conservative vocabulary.

Before the question, I would like to remind honourable senators that 65 per cent of Canadians are unhappy with the choices of Canada's new government when it comes to child care. My question to the Leader of the Government in the Senate, regarding the 125,000 new spaces, is will the government insist on any standards at all for these new child care spaces? Specifically, will this government demand quality, demand standards that reflect early childhood development, or will they be spaces only — without any requirements in order to qualify for these new government grants?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I know that the honourable senator is referring to a recent poll conducted for a particular child care advocacy group. It is like: "Bulletin, Bulletin, Bulletin, 80 per cent of Canadians prefer General Motors," which was a survey conducted by ABC for General Motors of Canada. That is the problem with a poll like that, and the way the question was asked and answered.

There is no government — Liberal or Conservative, federal or provincial — that would not insist on standards in regard to a child care system.

Senator Trenholme Counsell: I have a supplementary question for the Leader of the Government in the Senate.

Initially, this new Conservative government said that grants for new child care — or "daycare," in their words — spaces would go to businesses, even to strip malls, according to the minister. I read, and this was good news, that the voluntary sector may be included. Again, it is good news and it is very serious news.

Can the Leader of the Government in the Senate confirm that the non-profit sector will not only be treated fairly in this application process, but furthermore, will a significant percentage — let us say perhaps 50 per cent — be made available to the non-profit sector, a sector that provides much of the best, the highest quality of child care in Canada? I fear that it will not be easy for non-profit organizations to compete with big business.

Senator LeBreton: I thank the honourable senator for her question.

The strip mall reference was simply acknowledging that in some areas in this country, there are no large corporations. It was simply businesses — and I remember the minister using this example, which I thought was entirely reasonable. In a small centre, where there are strip malls where many people work in individual businesses, one store or one space in that strip mall would be used so that all those workers would have a central place for a child care facility.

I am mystified as to why the honourable senator thought our child care programs would not encompass the voluntary sector. In all of the material that I have read and, indeed as I travelled around the country in the election campaign, I never once saw a reference that the voluntary sector would be left out.

Senator Trenholme Counsell: I have a second supplementary for the Leader of the Government in the Senate.

I do not think it was ever said, "we are going to leave them out," but in all the original statements it said "to businesses." Of course, I did not read every one, and if I have missed some of those original statements, I am sorry. It seems to me that lately it has been said that the non-profit sector will be included, and that is good news.

• (1435)

Senator LeBreton: Honourable senators, the fact that people take the assumption that we will work only with business does not mean automatically that all others will be left out. Unfortunately, people will focus on only one aspect of it. As I said earlier, and as the honourable senator has acknowledged, never once did I say anything that would indicate that voluntary groups would be left out.

INTERNATIONAL TRADE

PROPOSED SOFTWOOD LUMBER AGREEMENT

Hon. Pierrette Ringuette: Honourable senators, my question is for the Leader of the Government in the Senate.

As foreseen and argued by many of us on the opposition side in the Senate, the framework agreement — not signed, by the way — with the U.S. for the softwood industry is coming apart at the seams because of an irresponsible, self-promoting Canadian Prime Minister who wants to please the American President on any issue that he can. The Prime Minister is doing this to the detriment of Canadians, our economy and sovereignty.

Tuesday, the forest industry sent a letter to the government asking that it immediately resume the extraordinary challenge to the last NAFTA panel ruling which favoured Canada. Given that the U.S. is still filing challenges, will the government stop its suspension of the ECC and plead, for once, for our Canadian forest industry, our economy and our jobs?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for her question. Contrary to what the honourable senator believes, negotiations have not stalled. They are proceeding along very well, and I believe that we will reach a successful conclusion in the not-too-distant future.

Senator Ringuette: Honourable senators, *The Vancouver Sun*, in an article published Tuesday, said it had received a copy of a letter between the Bush administration and the American lumber producers. Honourable senators, in this letter, the U.S. government tells the U.S. industry that the whole purpose of negotiating a softwood deal is to "mitigate to the greatest extent possible" Canadian trade practices.

To what extent will the Prime Minister go to save his political face with George Bush? Will he prefer to save face with President Bush or to meet his prime ministerial responsibility and start to work for Canadians?

Senator LeBreton: I thank the honourable senator for her question.

I think the honourable senator's rhetoric is getting a little ahead of her. As a matter of fact, there are several people from the honourable senator's own region, from Atlantic Canada, who are very positive about the softwood lumber agreement: Diana Blenkhorn, President of the Maritime Lumber Bureau; Mark Arsenault, President and CEO of the New Brunswick Forest ProductsCommission; Mary Keith, spokesperson for JD Irving Limited.

There is a lot of goodwill on both sides of the border. I believe that the negotiations are progressing quite well. Minister Emerson is the person primarily responsible for this file and I have every confidence that he will be reporting good news in the not-too-distant future.

Senator Ringuette: The Province of New Brunswick is withholding a financial package of $250 million that is desperately needed by the industry because they are afraid that the current negotiations will not allow them to help the New Brunswick industry.

The government leader has told us many times that this issue is behind us. The honourable senator is wrong. Even Minister Emerson is saying this week that a fall agreement is unlikely.

• (1440)

Yesterday, an editorial headline in the *National Post* — which, by the way, I think is one of your favourite newspapers — said: "Harper's softwood lumber deal was naive." When will the Prime Minister realize that the Bush administration is using his political naiveté to manoeuvre the Conservative government in a deal that clearly favours the U.S. lumber industry?

Senator LeBreton: I wish to thank the honourable senator for her question.

Honourable senators, I disagree completely. I am surprised that the honourable senator professes to know so much about me that she knows the name of my favourite newspaper It so happens, however, that the *National Post* is not one of my favourite newspapers. All newspapers are my favourite.

Honourable senators, I can only say what I have said before. People who have responsibilities for these files in government know that they are complex and take some time to work out. There is general support for the agreement within the industry and the provinces. I would simply ask for people not to be jumping to conclusions but to wait until the final agreements are presented to us.

Hon. Terry M. Mercer: Honourable senators, I must ask the Leader of the Government in the Senate for some clarification. I am a little confused.

Several weeks ago, the Leader of the Government in the Senate came in here and the minister in the other place talked about "an agreement on softwood lumber." I then heard the Leader of the Government in the Senate today talking about "negotiations." In a magazine called *FrontLine Security* David Wilkins, the United States Ambassador to Canada, remarks

> We've {already} resolved the one issue I think many folks thought we might never resolve: softwood lumber.

The leader in the Senate then talks about "negotiations." Years ago, when I was involved in labour negotiations, we would sit down, we would negotiate and we would come to an agreement. Negotiations would then stop because we had an agreement. Is this the new terminology that Canadians and parliamentarians must get used to hearing, namely, that when the Stephen Harper government reaches "an agreement" it means it is the politically opportune time to say that we have an agreement but we are really still negotiating? Will we negotiate away the farm because we are dealing with our good friend George W. Bush?

Senator LeBreton: Honourable senators, I am surprised. Senator Mercer used to be the National Director of the Liberal Party of Canada. The honourable senator surely knows that there was an agreement between the two governments, but there are details to be worked out and both sides are working on them. This process is underway and it has not stalled. The honourable senator must stop reading headlines and actually try to be patient. I am sure that the softwood lumber agreements that are before us will be finalized, and hopefully in the not-too-distant future, so I can stop answering questions on this matter.

Senator Mercer: Honourable senators, the Leader of the Government in the Senate did use the words "negotiations were ongoing." Negotiations stop when you have an agreement. The honourable senator is now saying that there is not an agreement. That is what I interpret by what is happening now when we have continuing negotiations. I would suggest that the Leader of the Government in the Senate and the minister in the other place have misled Canadians.

Hon. Wilfred P. Moore: Honourable senators, this is a supplementary question to the Leader of the Government in the Senate. It must be tough for the leader to stand there and justify leaving $1.5 billion of Canadian producers money on the table. That must be tough to do.

Honourable senators, I want to know, and I would like to have confirmation, that the Government of Canada is continuing to press forward on all fronts, legally, to protect the ongoing interests of the Canadian producers.

• (1445)

Regardless of the niceties going back and forth between the President and the Prime Minister, I want to know that we are not backing off legally from any position, so that if this agreement collapses, we are where we should have been all along legally.

Senator LeBreton: Honourable senators, I thank Senator Moore for his question. Obviously, this government, as did the government before us, works in the interests of our own lumber industry and producers.

The honourable senator talks about the $1.5 billion. Until these negotiations reached the agreement announced several months ago, $8 billion was left out there floating around.

Senator Moore: No, there was not.

Senator LeBreton: That is the amount that was at stake then.

Senator Austin: Check your numbers. It was $5 billion.

Senator LeBreton: Obviously, any government in their right mind in any country or province would work in the interests of their own industry and producers.

Senator Moore: I want to confirm that the answer is yes, that we are proceeding on all legal fronts and continue to do so. Is that what I hear from the Leader of the Government in the Senate?

Senator LeBreton: That is my understanding.

Hon. Larry W. Campbell: I have a supplementary question. Like the other honourable senator, I do not want to beat a dead horse either.

I would like to continue on with the quotation from the U.S. ambassador. He goes on to say:

> We reached an agreement that both countries can be proud of, ending a longstanding dispute. Softwood lumber was a stumbling block that kept us from focusing on more important issues, because the U.S.-Canada relationship is, and has always been, so much bigger than a few isolated, though important, issues.

Ambassador Wilkins is quoted in *FrontLine Security* as saying: "'The resolution of this issue,' he continued, crediting the President and the Prime Minister, 'is living proof that we have the strongest, most peaceful and productive friendship the world has ever known.'"

My question is: How long does a resolution go on? We were happy that there would be a conclusion to this, that the B.C. softwood lumber industry could finally get on with life after being held hostage by NAFTA. Yet, here we are. The Minister of International Trade said we might have an agreement by the fall. Where are we on this agreement? The people of British Columbia and those people involved with softwood lumber trade in this country must have an answer. We cannot live without knowing what is going on. No business can take place.

Senator LeBreton: I thank the honourable senator for his question.

Although a resolution obviously was not arrived at this week, the negotiators on both sides of the border, and the people representing the industry and province, are hard at work. The talks have not stalled, as the media have claimed. The situation with regard to this issue is still in a much better place than it was a year ago at this time when there was no resolution, and the only thing we had to look forward to were more challenges, more lawyers' fees and more unresolved issues. I trust Minister Emerson and Ambassador Wilson to advance this issue as quickly as possible. I will be the first one on my feet to tell you about it when it is finalized.

PUBLIC WORKS AND GOVERNMENT SERVICES

FRAMEWORK FOR PROCURING INFORMATION AND COMMUNICATIONS TECHNOLOGY

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I want to direct my question to the Minister of Public Works and Government Services Canada and return to an issue I touched on earlier in the week, if he is ready to deal with it.

To sum up, the question is one that arises out of concerns spoken to by the President of the Canadian Advanced Technology Alliance, Mr. John Reid, to the effect that after 18 months of private-public sector consultation, Public Works and Government Services Canada has made a decision to use a third-party study on strategic sourcing rather than the product of that consultation process.

The concern of the members of the Canadian Advanced Technology Alliance, of course, is that they believed that the negotiation they were in would produce an agreement. Of course, the purpose of the agreement is to ensure the success of Canada's industrial strategy in the area of communications technology. That agreement is something that would have made a big difference to that industry in Canada. It is an important one.

The question to the minister is: Is that correct? If so, why is it correct? Whose third-party study on strategic sourcing was used in place of the framework that was in the course of being negotiated?

• (1450)

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, the reply to that question is in the form of a delayed answers to be tabled today, but I am happy to provide the reply now while I am on my feet.

As I suspected, and I believe I mentioned this information two days ago, this consultation was part of a process that the department had undertaken with respect to a number of commodities. Obviously technology is important because we spend a lot of money in that field.

The department consulted with Canadian Advanced Technology Alliance and a number of other folks, and the department took some of their ideas into consideration.

I would not call this a dispute. The disagreement lies around the establishment of an industrial policy. Public Works and Government Services Canada is not the one-stop shop to establish industrial policy vis-à-vis not just technology but any other industry in Canada. That one-stop shop, in my opinion, should be within Industry Canada. Representatives from Canadian Advanced Technology Alliance were told that.

I would not view this as a defeat. If the Leader of the Opposition is speaking to the representatives from Canadian Advanced Technology Alliance and they have suggestions with respect to the industry per se, those questions should be directed to the Minister of Industry.

Senator Hays: Honourable senators, I have spoken to Mr. Reid indirectly. Livid was the word used to describing the disappointing result of what they thought was a negotiating process that would lead to recognition of what the minister has properly described as a strategy to provide enhancements through procurement from Public Works and Government Services Canada for the advanced technology sector.

I take it, according to what the minister says, he believes this issue does not fall within the purview of Public Works and Government Services Canada but rather Industry Canada. Perhaps representatives from Canadian Advanced Technology Alliance are mistaken, and they should be in an ongoing discussion with Industry Canada.

In any event, I am not clear about why it would not cross over between Public Works and Government Services Canada and Industry Canada in terms of what other countries do. I am informed other countries have these strategies. Why would we not do the same? I am interested in knowing the third-party study on strategic sourcing that is being used in place of the one that was being negotiated.

Senator Fortier: First, honourable senators, the good news is that the senior public servants at Public Works and Government Services Canada are actually consulting the industry. That is important. They are trying to implement smarter procurement strategies and take costs out of the system.

Honourable senators may remember that embedded within Mr. Flaherty's budget were considerable savings out of Public Works over the next five years, close to $2.5 billion. That process did not just happen. This process has involved consultations that began long before I arrived. This is not a partisan issue.

When Public Works consults with industries, it is with respect to procurement strategies. I understand there was an agreement with this particular group to consult hundreds of groups across various commodities. There is not a disagreement within this group.

I guess the honourable senator must have been reading from a press release. I am not aware of a third party. Again, this information is contained within a press release. I can have my people dig it up, but I am not aware that a third-party report was used rather than the views of these folks.

These folks were consulted as part of a large-scale consulting process. Public Works took into consideration their views, some of which were embedded in the commodities strategy. However, there was a disagreement about certain industrial macro-strategies. I think perhaps this issue is more appropriate for the Minister of Industry to address.

INDUSTRY

FIRST NATIONS SCHOOLNET PROGRAMS

Hon. Robert W. Peterson: My question is for the Leader of the Government in the Senate.

Honourable senators, as you are aware, computers and Internet access are important tools for creating stimulating learning environments. Many First Nations children must leave their communities at the age of 12 to live and study in urban schools. Recognizing the challenges that First Nations schools may face in accessing and applying these technologies, Industry Canada created the First Nations SchoolNet Program. This national program, delivered by six Aboriginal regional management organizations, provides Internet access, computer equipment and technical support and training, including a regional help desk, to First Nations schools under the jurisdiction of the Government of Canada. The program offers the opportunity for Aboriginal youth to achieve and improve their education, thereby enhancing their quality of life. Industry Canada also works alongside other federal departments, such as Health Canada, in assisting with the delivery of much-needed tele-health services.

• (1455)

Honourable senators, program authority for First Nations SchoolNet initiatives ended March 31 of this year but was extended to September 2006. Given that Aboriginal youth account for a large percentage of our future workforce, what commitment is the government providing to ensure that support continues for this essential program? What commitment is the government providing for the long-term funding to ensure that all Aboriginal peoples, including First Nations, benefit from this technology so that they may live, learn and work in their own communities in this great country?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. Since this government has come into power, funding for many programs has expired. Some funding was extended until ministers could properly assess their portfolios.

The dealings of Minister Prentice with Aboriginal communities have been very positive and well received. However, I will take that question as notice and ask what the minister's long-term plans are for the specific program referenced by Senator Peterson.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to questions raised in the Senate on June 20 and 21, 2006, by the Honourable Daniel Hays regarding the framework for procuring information and communications technology.

PUBLIC WORKS AND GOVERNMENT SERVICES

FRAMEWORK FOR PROCURING INFORMATION AND COMMUNICATIONS TECHNOLOGY

(*Response to questions raised by Hon. Daniel Hays on June 20 and 21, 2006*)

I was asked questions over the last days about the concerns the Canadian Advanced Technology Alliance (CATA) has raised in relation to the Reform of Procurement which my department is undertaking. To put this in perspective, PWGSC is engaged in a very wide ranging set of procurement reforms. The objective is to improve the way we buy billions of dollars of goods and services while at the same time ensuring that competition to become a government supplier is fair, simple and open.

As an integral part of this process, PWGSC officials conducted extensive consultations with a cross-section of industry associations, small business owners and corporations as we move forward with our procurement initiatives to save money and simplify and streamline our processes. We believe that these initiatives will benefit taxpayers and suppliers. In this case, the department met with CATA and other major associations involved in the information and communications technology sector to discuss the way we intend to meet the Information Technology (IT) professional services needs of the government.

These discussions are ongoing and we will be advising the industry of how we will be addressing the specific concerns that they have raised.

The Senator has cited my remarks to the House Committee on Government Operations and Estimates that PWGSC is the "... government's expert in procurement, and we will lead the way in reforming the process to ensure that it is fair, open and transparent". I would like to provide a few examples of results achieved by PWGSC in improving the way that government buys goods and services for its information and communication technology needs.

- In the area of information technology hardware — laptops, computers, printers — we achieved savings of 28 per cent or $18,000 through a request for volume purchase by aggregating the requirements of 25 departments in the fourth quarter of fiscal year 2005-06.

- In the area of network services, we recently achieved savings of $11M or 20 per cent percent through a contract with a firm from Manitoba.

- In the area of telecommunications, we have consolidated cellular telephone packages for 9 departments to achieve savings of 40 per cent. On another front, the rates we achieved for local access services in the National Capital Area by combining the requirements of the government as a single entity are the best in North America.

These examples relate specifically to recent transactions in the information and communication technology sector but we are applying the same concepts to all of the various categories of goods and services we buy.

Closer to the Senator's home, we have just awarded a major contract for electricity in Alberta. We collected the requirements of 11 federal departments and taken innovative approaches. The results were savings of 30 per cent or $30-50M over the 10-year life of the contract. We also made significant progress on green power procurement through this contract.

Not only are we achieving savings, we are reducing the cost to compete for government business. We are streamlining and reducing the categories of services we buy. We have introduced a procurement method for professional services that is accessible to small and regional businesses as well as individuals.

We are also making it easier for government departments to get in touch with suppliers and conduct competitive tenders in a faster and more open way. At the same time, we are introducing a customer satisfaction rating which will be visible. All of these are supported by CATA.

CATA has put forward the proposition that we should introduce a new Industrial Policy towards the IT sector. Clearly, this is not something that is going to be done lightly and it involves a lot more than the procurement process. I would note that where my department has a mandate to support broader government policies such as Small and Medium size enterprise, greening of government operations and aboriginal business opportunities, we remain fully committed to taking the fullest possible advantage of government procurement activities to support these objectives.

All of our procurement activities are fully consistent with the principles outlined in Bill C-2 — a commitment to openness and transparency, ensuring value for money and clear accountabilities. In the coming weeks, I will be taking the next steps to support the principles of C-2 by naming a federal Procurement Auditor and announcing consultations on a Code of Procurement Conduct.

[Senator Comeau]

[*English*]

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, a number of our pages are leaving us and we want to bid them farewell.

Today, I wish to draw to your attention Ms. Hasti Kousha. After two years of service, Hasti, from Montreal, ends her term as a Senate page. Hasti bids farewell to all those who made each day challenging, exciting and a true pleasure. She will be continuing her studies in law in the national program at the University of Ottawa.

Hon. Senators: Hear, hear!

The Hon. the Speaker: It is with most fond memories that Leigh Spanner, from Ottawa, will be leaving the Page Program, a position that has been an honour for her to hold. In the fall, she will be completing a bachelor degree in political science and public administration at the University of Ottawa. She hopes to continue working on Parliament Hill.

Hon. Senators: Hear, hear!

[*Translation*]

POINT OF ORDER

Hon. Eymard G. Corbin: Honourable senators, I rise on a point of order regarding incidents that occurred during Senators' Statements.

It is fresh in your minds that Senator Watt made a statement today in Inuktitut. I tried to listen to the interpretation of his speech in one or the other language of interpretation in the Senate, English or French, and noted that there was sporadic — if I may call it that — interpretation in English only. The French channel was practically silent and I felt an infringement of my right to be able to listen to and understand the discourse of the honourable senators in this chamber in my mother tongue.

Second, I listened carefully to the remarks of the honourable Senator Comeau, as Deputy Leader of the Government, who spoke after Senator Watt. I feel that the remarks made by Senator Comeau during Senators' Statements do not respect the letter or the spirit of Rule 22(4) of the *Rules of the Senate* which states:

• (1500)

> In making such statements, a Senator shall not anticipate consideration of any Order of the Day and shall be bound by the usual rules governing the propriety of debate. Matters raised during this period shall not be subject to debate.

I submit that Senator Comeau debated Senator Watt's statement. Secondly, he anticipated consideration of a motion standing in my name on the Notice Paper, a motion that he adjourned himself and that he has been holding there for some time. Even if told that two days of sitting have passed since the

motion was introduced, the honourable senators are fully aware that the motion has appeared on the Notice Paper for several weeks. I do not hold Senator Comeau's comments against him. I will not base my argument on the words of Senator Comeau's speech, although I believe he violated the Rules of the Senate.

Senator Watt informed me yesterday that, on National Aboriginal Day, he was not permitted to speak during the time reserved for senators' statements, because we were paying tribute to our late colleague, Senator Forrestall. It is unfortunate, but such things happen. He spoke today in his mother tongue, an aboriginal language, Inuktitut. It is not a question of consent of the Senate. My argument hinges on the following, on which I would ask the Honourable Speaker to eventually render a decision.

I recognize that all Aboriginal people in this country have a natural and absolute right to use their Aboriginal language where and when they want, including here in the Senate. It is not for nothing that we appoint representatives of Aboriginal peoples to the Senate. It is to give them an opportunity to bring issues of pressing concern to the attention of the Parliament of Canada, as Senator Watt did today.

I support him in his efforts. I want to tell anyone listening to me that I have not orchestrated a plot here. I feel that this issue is so basic and important that I support him spontaneously. I have always done so, and I will continue to do so.

[*English*]

I am asking His Honour to study, with his usual wisdom, whether Senator Watt today was exercising his ancient and Aboriginal right as a member of the Senate to speak his living language — not a dead language like Greek or Latin and not an acquired language like English or French, but the language with which he can best serve the cause of his people and which has been spoken in Canada well before the arrival of the first Europeans — and whether the Senate must oblige and provide interpretation of Inuktitut in Canada's two official languages.

[*Translation*]

To my way of thinking, this is not a constitutional issue, which would allow the Speaker to dodge the real issue. It is a question of natural law that has nothing to do with constitutional law.

Honourable senators, I am not a lawyer, but here we have the issue stated in its most basic terms, and I ask that justice be done to Senator Watt, who does not need the permission of anyone in the Senate to express himself in his aboriginal language.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I leave it to the great wisdom of His Honour the Speaker to make a decision as to whether there is a point of order.

[*English*]

The Hon. the Speaker: Would any other honourable senator wish to speak to the point of order at this time?

Senator Comeau: We trust Your Honour's judgment.

The Hon. the Speaker: Honourable senators, I will study the point of order raised by Senator Corbin and render a decision as soon as I can.

THE SENATE

AMENDMENT TO THE CONSTITUTION OF CANADA— WESTERN PROVINCIAL REPRESENTATION

Leave having been given to revert to Notices of Motions:

Hon. Lowell Murray: Honourable senators, I give notice that at the next sitting of the Senate I will move, seconded by the Honourable Senator Austin, that:

> WHEREAS an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assemblies of the provinces as provided for in section 38 of the *Constitution Act, 1982*;
>
> AND WHEREAS it is desirable to amend the Constitution of Canada to provide for a better balance of western regional representation in the Senate;
>
> AND WHEREAS it is desirable that the 24 seats in the Senate currently representing the division of the western provinces be distributed among the prairie provinces of Manitoba, Saskatchewan, and Alberta, and that British Columbia be made a separate division represented by 12 Senators;
>
> NOW, THEREFORE, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE
AMENDMENT TO THE CONSTITUTION OF CANADA

1. Sections 21 and 22 of the *Constitution Act, 1867* are replaced by the following:

"21. The Senate shall, subject to the Provisions of this Act, consist of One hundred and seventeen Members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of Five Divisions:

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia and New Brunswick, and Prince Edward Island;
4. The Prairie Provinces of Manitoba, Saskatchewan, and Alberta;
5. British Columbia;

which Five Divisions shall (subject to the Provisions of this Act) be represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; the Maritime Provinces and Prince Edward Island by Twenty-four Senators, Ten thereof representing Nova Scotia, Ten thereof representing New Brunswick, and Four thereof representing Prince Edward Island; the Prairie Provinces by Twenty-four Senators, Seven thereof representing Manitoba, Seven thereof representing Saskatchewan, and Ten thereof representing Alberta; British Columbia by Twelve Senators; Newfoundland and Labrador shall be entitled to be represented in the Senate by Six Senators; Yukon, the Northwest Territories and Nunavut shall be entitled to be represented in the Senate by One Senator each.

In the Case of Quebec, each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada."

2. Sections 26 to 28 of the Act are replaced by the following:

"26. If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Five or Ten Members be added to the Senate, the Governor General may by Summons to Five or Ten qualified Persons (as the Case may be), representing equally the Five Divisions of Canada, add to the Senate accordingly.

27. In case of such Addition being at any Time made, the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, to represent one of the Five Divisions until such Division is represented by Twenty-four Senators or, in the case of British Columbia, Twelve Senators, and no more.

28. The Number of Senators shall not at any Time exceed One hundred and twenty-seven."

CITATION

3. This Amendment may be cited as the Constitution Amendment, [year of proclamation] (*western provincial representation in the Senate*).

• (1510)

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit during sittings of the Senate, up to and including Thursday, June twenty-ninth, 2006, and that the application of rule 95(4) be suspended in relation thereto.

[*Translation*]

THE HONOURABLE NOëL A. KINSELLA

NOTICE OF MOTION EXPRESSING CONGRATULATIONS AND CONFIDENCE IN SPEAKER

Leave having been given to revert to Notices of Motions:

Hon. Serge Joyal: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker and expresses its confidence in him while acknowledging that a Speaker, to be successful and effective in the exercise of the duties of that office, requires the trust and support of a majority of the Senators.

[*English*]

IMMIGRATION POLICY

NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will draw the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.

Some Hon. Senators: Hear, hear!

An Hon. Senator: Bravo.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that when we proceed to Government Business, the Senate shall consider the business in the following order: Bills C-13, C-2, S-4, S-3 and C-5.

[*English*]

BUDGET IMPLEMENTATION BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Cools, for the third reading of Bill C-13, to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Hon. Jack Austin: Honourable senators, the debate at second reading on this budget bill raised many issues, both pro and con, regarding the merits of this legislation, and we have heard the government side reviewed and repeated by the honourable Senator Angus. The honourable Senator Eggleton responded yesterday with comments and criticisms with which I entirely agree.

Honourable senators, it will surprise none in this chamber to hear again of my disappointment with respect to this budget. I spoke of it in detail on May 30 last with respect to the budget provisions which raise income taxes, particularly at the lowest income tax rate. Honourable senators, for that reason, I have introduced Bill S-215 to restore those income tax provisions to the lowest rate in force prior to this budget. I await the response of honourable Senator Di Nino, which is promised before we adjourn for the summer months.

Honourable senators, I agree with Senator Eggleton that we are appalled at the dismissal by the government of the child care package negotiated with, and agreed to by the provinces and territories, and greatly to the advantage of the youngest Canadians. What the Conservative government has put in its place is a small transfer payment, taxable no less, without any criteria for its use.

Honourable senators, I know there is no purpose in repeating the arguments and sound policy suggestions made by Senator Eggleton and others on this side. The government has shown itself to be totally deaf and dumb when it comes to honouring the obligations of the federal government made in the Kelowna accord, made in the Kyoto agreement and many other previous commitments to provinces, territories and to Canadians in general.

The Conservative "not-made-here" attitude is politically blatant and irresponsible. The time will come when they will have to account for why they have put political cosmetics in the place of the best interests of Canadians.

Some here and elsewhere have argued that the Senate ought not to interfere with the budget of a government which has been passed by the House of Commons. Funny about that — this chamber in the thirty-eighth Parliament did exactly that with senators opposite voting as a block. How quickly they would like us to forget.

Honourable senators, it is the right of this chamber to amend, revise or even deny a government its budget so long as it does not seek to do so by raising taxes or other revenues, as the Speaker has ruled. Whether it is politically wise to do so is always the question. I can foresee times when it may not be politically wise, but in the interests of Canadians and, therefore, the responsibility of the Senate so to act. Honourable senators, today, this is a budget which one observer described as "lipstick on a pig." It is nothing but self-serving political cosmetics.

This Harper Conservative government inherited the best performing economy in Canada's history. Much credit is due first to the Canadian people for their steadfast support in recovering the Canadian economy from the mismanagement of the Mulroney years.

Senator LeBreton: Thank goodness after all those years, you learned.

Senator Austin: Second, credit is due to the leadership of Jean Chrétien and Paul Martin. For this budget, the Harper government inherited a surplus of more than $11 billion. Finally, the funds were available to allow a government to address the chronic issue of child poverty, the necessity of advancing education and research and of a productivity agenda, coupled with a major thrust in international trade, which is where we earn our living. Instead they opted for "not made here politics" and cosmetic responses.

As honourable senators are now clear about where I stand on this budget bill, I want to say a few words about the economic context in which Canada now finds itself. To say the obvious, our best customer, the United States, is moving into a changing economic environment. The Chair of the U.S. Federal Reserve, Ben Bernanke, has made it clear he is worried about inflation risks, but at the same time also about a too rapid slowdown in the consumer-driven U.S. economy. He referred recently, in a speech to the American Bankers Association, to the challenges of dealing with core inflation, which is in the upper range of his inflation tolerance threshold. He acknowledged that these are unwelcome developments. The chief investment officer at Harris Bank remarked on the ingredients for a

> classic growth slowdown.

The senior economist at Wells Fargo Bank said:

> The Fed's basically stuck where they've got a choice of which fire they want to fight, and right now they're going to fight inflation, rather than spur growth." said Scott Anderson, a senior economist at Wells Fargo in Minneapolis.

Some comments at that same meeting raised the spectre of the 1970s era of stagflation — that is inflation coupled with no or very slow growth.

BCA Research of Montreal, one of the most respected economic analysts, reported that consumer spending and the housing sectors have represented 75 per cent of the U.S. GDP and the weakening of those two sections would severely damage U.S. economic growth. U.S. consumers are now experiencing high energy costs, rising interest rates and the stalling of wealth gains from the once hot housing market.

Of real interest to the economic community is the recent appearance of an inverted yield curve, which basically means a situation where short-term bonds yield more than long-term bonds. Usually, when an inverted yield curve happens, the U.S. economy has moved into a recessionary trend shortly thereafter. As the U.S. economy is the primary motor for the global economy, and especially for the Canadian economy, there is much to be cautious about.

• (1520)

Everyone is familiar with the substantial debt burden carried by the United States, which is by far the world's greatest debtor nation with escalating deficits every year to add to that debt. The Democrats under President Bill Clinton ran an economy in surplus with a debt reduction program. Under President George W. Bush, we have seen the largest peacetime increases in U.S. debt which now exceeds $8.3 trillion U.S. According to the Congressional Budget office, at the current rate, the U.S. deficit will reach $12.8 trillion by 2015 or double the amount when President Bush took office.

What has permitted the United States to manage this debt has been the vendor financing by Asian, European and Canadian institutions to permit the U.S. consumer-led economy to purchase their goods and services. Chinese and Japanese purchasers of U.S. bonds have been particularly active, as have Middle East oil producers. More than half of the U.S. federal debt is held by foreigners compared to 17 per cent of Canadian debt.

The obvious concern of Canadian and other investors in the U.S. economy is that this debt will be repaid by a U.S. dollar depreciation. No doubt this has its attractions to U.S. fiscal managers. They have followed this path before. From 1985 to 1988, the U.S. dollar was allowed to depreciate by over 40 per cent against its U.S. trading partners, which, in spite of the friendship of Prime Minister Mulroney with President Reagan, had political consequences for that Conservative government.

What helps protect foreign investors in U.S. securities is that a U.S. dollar decline adds to U.S. inflation, which leads to higher interest rates, which leads to a possible deflation, all of which is to be avoided by U.S. fiscal managers, if at all possible; particularly since raising interest rates lead to higher interest payments on U.S. debt from the federal treasury, and reduce the fiscal ability of the United States to afford its current domestic and international responsibilities.

Unfortunately, I have not the time to discuss the cost to the U.S. economy and its productivity of higher energy costs which are seem to be the trend. A recent speech by Vice President Dick Cheney in Lithuania on Russian oil policy defines the U.S. sensitivity on this subject.

Honourable senators, budgets should be more than lipstick for political tactics to win elections on the basis of bad public policy. The Minister of Finance has to take into account the global economic environment and position Canada to deal with the possibilities of adverse circumstances. That is why Liberal budgets included up to $4 billion as a contingency reserve — I hope honourable senators will remember the point made by Senator Eggleton yesterday — that is why Liberal budgets paid down debt to foreign creditors so we would not see demands on our currency from speculators. That is why we asked Canadians to take some hard knocks in the 1990s to avoid harder knocks in this decade.

The Harper government has accused previous Liberal governments of deliberately misrepresenting their budget predictions in order to gain the political benefit of surprise surpluses; that is not the case. Budget predictions are not a science. There are too many moving parts in play: Currency movement, commodity pricing, export-import balances, inflation and deflation factors. Liberal ministers of finance consulted their officials, but also took advice from a council of economic advisers. Minister of Finance Flaherty told the National Finance Committee earlier this week that he intended to follow the same practice. Bragging about budgets coming in on target reminds one of the alleged powers of King Canute: Be careful of what you believe and what you believe is under your control.

Honourable senators, this first Harper budget is not to be taken as a serious effort in fiscal leadership. The Harper government, contrary to assurances to the Canadian public, was not ready to be a government as this budget shows. Should this budget be passed by the Senate? Not on its merits, but probably we will pass it on division for political reasons. The next budget will have to meet a much higher standard, particularly in light of the transitional nature which the global system is now experiencing.

Hon. Lowell Murray: Honourable senators, I want to draw your attention to a number of things that went on at the Standing Senate Committee on National Finance on Monday night and Tuesday when this bill was before us.

I am tempted to follow Senator Austin on the question of projections of surpluses. I will not go there except to remark in an objective way that we had some useful testimony on Tuesday on that subject from the economic panel that was before us, Dale Orr of Global Insight Canada, Niels Veldhuis of the Fraser Institute and John Williamson of the Canadian Taxpayers Federation.

When asked in what proportion a surplus should be used as among paying down the debt, lowering taxes or undertaking new spending programs, I believe they were all of the view that certainly any surplus over and above that which was projected should be applied immediately to paying down the debt. They said many other things that I do not have before me, but it was an interesting dialogue that we had on Tuesday.

The Minister of Finance, Mr. Flaherty, was before us on Monday, as Senator Austin knows. It was the first time I had seen Mr. Flaherty in action. He is certainly the master of his brief and very well prepared. I would not call him "combative or pugnacious," although some might. Certainly, he was fully engaged with members of the committee on every subject discussed. That is to be commended.

I wish to flag some issues for those of you who are interested in the subject. Interestingly enough, on Monday night, with regard to the fiscal imbalance, he told us:

> We feel that we should move to fiscal balance. We hope to take a major step in that regard next Tuesday when the finance ministers from across Canada meet.

He was flagging for us that there is big news coming on the fiscal imbalance front next week. Stay tuned.

That would be in my interpretation the "vertical" fiscal imbalance; that is, the imbalance between the federal government on one hand and the provinces on the other. One day I will speak to that subject. With regard to what we call the horizontal fiscal imbalance, the question of equalization, we will have to wait a while longer for that. Later in his remarks, he said:

> The Government of Canada collects revenues from taxpayers who are paying their taxes to the Government of Canada and it is constitutionally obliged to address the issue of equalization to make sure we have reasonably comparable social services in all parts of the country. That ultimately is a decision of the Government of Canada and will be dealt with in Budget 2007.

We will have to wait a while longer to see what is coming on that matter.

When I asked Mr. Flaherty questions about what is becoming something of a hobby horse for me; namely, whether the government will pursue the harmonization of the GST with provincial retail sales taxes, he made it clear that government will not take any initiative in this respect, and that as far as he and the government are concerned this is a matter for the provinces to bring forward. That may be a tactical or strategic position on his part, but he was clear on that point.

As to whether we ought to move to have the GST included in the price of goods and services that are sold, he brushed it off completely, "Not interested," is what he said. Interestingly, when the economic panel appeared before us the next day, all of them, particularly Dale Orr, acknowledged that harmonizing the provincial and federal consumption taxes would confer benefits upon Canada in terms of economic efficiency and competitiveness because we would then effectively have a single consumption tax with the input tax credits and all the rest of it. They acknowledge the economic benefits to come from that. However, all of these people who are of a fiscally conservative frame of mind pointed out that harmonization would put more revenues into government treasuries and, therefore, was to be discouraged on that ground alone.

• (1530)

As to whether the GST might be included in the price of products being sold, the witnesses were adamantly against it. They took the view that one of the reasons the GST is hated so much as a tax is that people see it up front, and, in their view — a principled view that I used to hold — consumers should be able to see exactly how much they are paying in taxes on any given matter. At the pump, as my honourable friend knows, the oil companies have to put a sticker on the gas pump to tell us. I accept that, but I have a hunch that most consumers would prefer to have the sales tax included in the price, as is the case in most of the European countries. I also have a hunch — I may be wrong, but I would like to test it some time — that a good many retailers would like to see the tax included in the price.

Finally, I continue to be mystified by the quite unreal debate on the child care issue, and, in particular, on the agreements in principle or the policy of the previous government. Notwithstanding the rhetoric we heard from some Liberals during the election campaign, this was not and would never be "another medicare." Yet, some of the proponents of that plan were at the committee the other day talking about the search for national standards and that sort of thing. Meanwhile, the opponents were talking about the state taking charge of children, a cookie-cutter approach, one size fits all and so forth. The Minister of Finance even went so far as to talk about some form of regimented system that parents would have to fit into.

We must at least acknowledge that the Liberal program was asymmetric. That was one of the reasons I supported it. It was negotiated with the provinces under the Social Union Framework Agreement. It was essentially to help provinces finance the expansion of the provincial early learning and child care programs. The design was to have been left to the provinces. All of the concerns about rural and underserved areas, Aboriginals and linguistic minorities, were touched upon in the agreements of principle. The action plan was to contain a design provided by the provinces to address these areas.

There was to be great flexibility as to the locale of the child care facilities being funded. I am looking at the New Brunswick agreement now, but it could have been any of them:

> Early learning and child care programs and services are defined as those supporting direct care and early learning for children in settings such as child care centres, family child care homes, preschools and nursery schools.

> Types of investments could include: capital and operating funding, fee subsidies, wage enhancements, training, professional development and support, quality assurance, and parent information and referral. Programs and services that are part of the formal school system will not be included in this initiative.

Honourable senators, these agreements in principle were as loosey-goosey as anything that any Liberal government had ever negotiated with the provinces. They were inviting the provinces to design early learning and child care programs, and, as I said, that is one of the reasons I supported them. The question becomes academic, because as I said the other day, we will not see a child care system so long as the present government is in power unless there is a sea change of the kind they have already made on language policy and in their approach to Quebec, because they have a principled objection to it. That is all I need or want to say for the moment.

I congratulate the chairman and others. We had two very good meetings, and some very interesting witnesses and honourable senators engaged with them in a discussion of all the important matters that are in this bill.

Hon. Pierette Ringuette: Honourable senators, I truly appreciate the comments on the budget made by the Honourable Senator Murray.

During the Standing Senate Committee on National Finance hearings in regard to the GST, one of the witnesses indicated that if we reduce the GST, there is a potential for the provinces, in the discussions of the fiscal imbalance supposedly moving toward fiscal balance, to use the current decrease in the GST to increase their own provincial sales tax to meet their fiscal targets.

Senator Murray: I should have mentioned that very point, honourable senators.

First, the minister said that as the government follows through with the reduction of another 1 per cent in the GST, that may encourage provinces to come forward and harmonize. Perhaps the wish was father to the thought; I do not know. That is harmonization.

At least one of the members of the economic panel, Dale Orr, suggested that as the federal government lowers the GST, it should take the position that it is providing tax room for the provinces, and, unless and until the provinces occupy that tax room, they should not come back to Ottawa looking for more money.

The issue is far more complex than that. As we all know, one percentage point, whether of income tax revenue or sales tax revenue, is worth more in some provinces than in others. The federal government could, in principle, suggest that by lowering taxes it is creating more tax room and, therefore, helping to redress the fiscal imbalance. The fiscal imbalance can also be redressed, as the provincial panel of which I was a member suggested, by uploading some responsibilities from the provinces to Ottawa. It is part of an important debate about which we will be hearing more in a while.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Angus, seconded by the Honourable Senator Cools, that this bill be read a third time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read third time and passed, on division.

FEDERAL ACCOUNTABILITY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved second reading of Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

He said: Honourable senators, I am proud as a Canadian to rise today to begin the debate on one of the most important pieces of legislation to be brought into this chamber in many months.

Accountability is the foundation on which Canada's system of responsible government rests. A strong accountability regime assures Parliament and Canadians that the Government of Canada uses public resources efficiently and effectively.

• (1540)

I have had a personal interest in ethics since it was one of the subjects I studied when taking courses towards my master's degree in existentialism in the 1960s. My interest in political ethnics culminated with the successful Oliver-Milliken code of conduct for parliamentarians which is now the code for parliamentarians in force in Poland.

I have had the honour to chair the Standing Senate Committee on National Finance that conducted extensive hearings on accountability and the accounting officer concept last year.

I had the honour to be invited to make an appearance before Judge Gomery in the research component of his report dealing with accountability.

Honourable senators all know that Canada is widely respected around the world not only for its peacekeeping traditions, but also for being a model for multiculturalism, for respecting diversity and for understanding human rights.

In the last two years I have had the honour to speak on Canada's pre-eminent role as a leader in concepts of multiculturalism and diversity in countries such as Brazil, the United Kingdom, Sweden and soon Denmark. I feel that once our new accountability act is passed by Parliament and receives Royal Assent, the reputation of Canada as a country with a democracy that is modern, efficient, and effective because of its accountability and transparency will be amplified manyfold.

The accountability act that is before us today did not just fall out of the sky. The act is a result of months and months of careful study and analysis, and a result of a decision by Prime Minister Stephen Harper to change our public institutions to make them more accountable to the people. By introducing transparency and greater effectiveness, Canada will once again become the envy of many other democracies around the world.

No individual piece of legislation is absolutely complete or perfect, but that is where we come in. We, the Senate of Canada, the body of sober second thought, have a responsibility to carefully review this legislation, and interview a number of witnesses on it, to ensure that the elected House of Commons has not made any legal or constitutional errors in passing this important legislation. It is in this careful and judicious work done by our committees where the Senate of Canada has traditionally excelled.

It is my hope, honourable senators, that once this bill is referred to committee we can take the time necessary, at an early date, to hear the necessary witnesses, to conduct our due diligence and to ensure that this extremely important piece of government legislation is properly scrutinized.

As I will shortly relate, this bill is huge and comprehensive. I cannot purport to understand each and every clause of the bill, so what I propose to do is to give a general overview.

Once it reaches committee and witnesses are summoned, that will be the time to give detailed analysis to particular clauses and concepts in the bill.

Let me begin.

Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability is known by its short title as the Federal Accountability Act. It is a far-reaching omnibus bill. It brings extensive changes to Canadian law with a view to ensuring greater accountability, more transparency, and ethical government conduct.

With 317 clauses, it is a complex and important measure, a much needed step in restoring confidence in government among Canadians.

Bill C-2 comes to the Senate after a little over two months of in-depth study in the House of Commons. The bill was tabled on April 11 and debated in committee in the other House over 10 weeks. Starting on May 3, a legislative committee of the House of Commons held intensive meetings and heard over 70 individuals and groups of witnesses, in extended hours of committee meetings.

Clause-by-clause analysis took place from June 7 to 14. Amendments to the 70 clauses were reported back to the House on June 16. While some points of contention were raised during the first stage of study of Bill C-2, many areas of consensus emerged. Twenty-four further amendments were made at report stage in the House.

I have not yet had an opportunity to study the impact that these amendments have on the bill. Let me summarize. There were 70-plus witnesses, 70 clauses were amended, one new heading was added, the schedule was also amended, and the bill was debated for 61.6 hours. At report stage, 24 amendments were adopted. The bill was debated, ending late last night, for 24.2 hours in the House.

Part 1 of Bill C-2, enacts the proposed conflict of interest act creating for the first time a legislative regime governing the ethical conduct of public officeholders including: cabinet ministers, ministers of state, parliamentary secretaries, ministerial staff, and certain cabinet appointees, both during and after employment. In addition to creating a series of compliance measures, this new act will establish a complaints regime, set out the powers of the new conflict of interest and ethics commissioner and provide for public reporting and penalties. The commissioner's mandate, appointment and term are governed by amendments to the Parliament of Canada Act, which also prohibits members of the House of Commons from accepting income from certain trusts and requires them to disclose all trusts to the commissioner.

Part 1 also includes important amendments to the Canada Elections Act dealing with political donations, contributions, gifts and prosecutions under that act. The bill would reduce the limit on campaign contributions to $1,000 from the current $5,000.

A new lobbyist act, replacing the Lobbyist Registration Act, includes the creation of an independent commissioner of lobbying to replace the current registrar. The commissioner will have greater investigative authority and new enforcement powers to control the activities of lobbyists. Senior public officeholders including ministers of the Crown, their staff, their senior public servants, such as deputy ministers or assistant deputy ministers will be prohibited from lobbying for five years after leaving their government position. Lobbyists will face more stringent disclosure requirements.

Ministers' political staff will no longer have priority in being hired into the public service. New provisions will allow ministerial staffers and certain other Hill employees to apply for internal competition open to employees of the public service.

Part 2 of the bill is entitled, Supporting Parliament, and it contains a number of measures that do just that. Parliament will have a greater role in the appointment of officers of Parliament. A new parliamentary budget officer, an official who will be part of the Library of Parliament, will have the mandate to provide objective economic and financial analysis to Parliament, and to support parliamentarians and committees of the Senate and the House in consideration of estimates.

With expert staff and legislated access to government information, the parliamentary budget officer will strengthen Parliament's ability to scrutinize government spending and to analyze economic trends.

Part 3 enacts new legislation to establish a director of public prosecutions with the authority to initiate and conduct criminal prosecutions on behalf of the Crown. Operating outside the Department of Justice, the office of the director of public prosecutions will have independence to pursue prosecutions under federal law and will report to Canadians on its performance.

The bill amends the Access to Information Act, extending its application to officers of Parliament, all Crown corporations and several government-funded foundations. The amendment also establishes new exemptions or exclusions relating to the added entities.

Whistle-blowers will receive greater protection from amendments to the Public Servants Disclosure Protection Act, notably through the creation of the public servants disclosure protection tribunal, and the expanded authority of Canada's Public Sector Integrity Commissioner.

• (1550)

A new public appointments commission is to be established under Part 3 to oversee, evaluate and report to Parliament on selection processes for Governor-in-Council appointments and appointments to agencies, boards, commissions and Crown corporations.

Part 4 of the bill amends the Financial Administration Act to establish deputy ministers and equivalent senior officials as accounting officers, who are accountable for certain matters before parliamentary committees, and to enhance the penalty for fraud under that act. Further changes to the Financial Administration Act and other statutes deal with matters related to internal audit in the federal public administration.

Part 5 of the bill amends the Auditor General Act by expanding the class of recipients of grants, contributions and loans into which the Auditor General may inquire as to the use of public funds. Amendments in Part 5 of the Financial Administration Act deal with fairness, openness and transparency in government contract bidding. The procurement auditor will review contracting practices, a code of conduct and integrity provisions for contractors will also be created.

Amendments by the House of Commons have revised certain measures that might have affected parliamentary privilege, notably by removing the secret ballot requirement that had been proposed in a series of provisions in the bill governing the appointment process for officers of Parliament. The suggestion was that when they are nominated, voting takes place by secret ballot, but that was challenged and changed.

Bill C-2 comes to the Senate after thorough review and significant amendments in the other chamber. We must put our minds to consideration of this important measure, using our perspective as senators and thus as experienced participants in the governing structure. I urge honourable senators to give your immediate attention to this bill so that it can move quickly toward committee where it can be thoroughly studied.

Hon. Daniel Hays (Leader of the Opposition): Will Senator Oliver take a question?

Senator Oliver: Yes, although I have not yet analyzed all the amendments made in the House of Commons.

Senator Hays: I offer the Honourable Senator Oliver my congratulations on his speech, which summarizes the salient parts of the accountability legislation. I noted in particular Senator Oliver's comments on the role of the Senate and the need for senators to study and raise concerns in order to understand Bill C-2 well.

The honourable senator spoke about Canada as a model. Canada is a successful country and has been without many of the aspects that are now provided for in the accountability bill. Given the success of our country and the way in which our institutions have served it and the way in which oversight has occurred in the areas of conflict of interest, codes of conduct and ensuring accountability, transparency and openness, has the honourable senator in his experience and in the briefings on this bill formed an opinion on the overall impact of Bill C-2? Mr. Kroeger expressed concerns about the changed culture, which the minister referred to earlier today. He suggested that senators think carefully about the possibility that the bill might not produce the desired result and could make governance more difficult with too many people looking over too many peoples' shoulders. It could create a reluctance on the part of public servants to take risks and it could reinforce a reluctance to make decisions for fear of being held accountable in a way that they might regret. As a result, public servants could become so cautious that they might not make good judgments and could become more concerned about who is looking over their shoulder than about achieving the objective with which they are charged.

Senator Oliver: I thank the honourable senator for his question. He is correct in that Mr. Arthur Kroeger, Mr. Perrin Beatty and a number of other knowledgeable and experienced individuals who appeared before the special committee in the House of Commons raised a number of cultural concerns about whether there are too many new boards, commissions, agencies and systems proposed in this huge, omnibus bill. It might result in too many regulations, making it cumbersome. From my few briefings on the bill and my reading of it, the primary objective of the bill is to introduce more transparency in a number of different clauses of the bill and to also engage parliamentarians of both Houses in a more meaningful way on many of the decisions being made.

I recently travelled to a country in Africa, where there was a lack of transparency and where there was corruption and many other problems. Once Canada has this new accountability legislation passed, it could be a model for many of those new and developing democracies that are looking for ways to determine the significance of transparency in the way that they conduct their affairs. Canada can be a significant model for the world.

Senator Hays: Would the honourable senator agree that the bill should be studied further and thus referred to committee for consideration not only with the witnesses he mentioned, but also with others who might give us a good indication of whether this could be a problem and how the bill might be better structured to avoid those problems?

Senator Oliver: A number of academics, some of whom did not appear in the House of Commons, have written books and major papers on the subject of the management of the public service and rules and I am thinking of Professor Peter Aucoin, who is well known throughout Canada and beyond for his expertise in these areas. Certainly, it would be useful to hear his testimony on the subject of the culture that the honourable senator raised.

Senator Hays: I refer again to the Canadian model for my next question. The honourable senator spent some time on the provisions of the bill, which evolved from Bill C-24, introduced by former Prime Minister Chrétien, and put limits on the amounts that certain individuals and entities contribute to political parties. I do not know that the committee in the other place spent any time looking at that question on the basis of comparing what is proposed in the bill, as it evolved from Bill C-24, between the provinces of Canada and other developed countries. I would be interested in the comment of the honourable senator on why that might not have been done. Perhaps I am mistaken and it was done.

Senator Oliver: My recollection is that the Chief Electoral Officer, Jean-Pierre Kingsley and representatives of the parties represented in the House of Commons all appeared before the House of Commons special committee to deal with that particular point. If memory serves me correctly, I believe it was Mr. Stephen Owen, representing the Liberal Party of Canada, who proposed an amendment dealing with the issue raised by the honourable senator. I do not believe that witnesses appeared to present comparative evidence of other jurisdictions, such as Australia. I agree that the steering committee of the Standing Senate Committee on Legal and Constitutional Affairs should consider the bill.

Hon. Norman K. Atkins: Honourable senators, could the Honourable Senator Oliver tell me whether any chief fund raisers or senior organization people from various parties appeared before the special committee? It would seem that $5,000 is not a significant amount of money for contributions to federal parties.

• (1600)

In my experience, one does not run campaigns on fudge sales, and I just wonder how those people drafting the bill came to the conclusion that it was important to reduce it from $5,000 to $1,000, especially when, under the act, there was disclosure.

Senator Oliver: In the House of Commons, not only did the Chief Electoral Officer appear, but representatives of the parties and officials from all parties represented in the House of Commons appeared, and there was lively debate on this topic. Officials from the Conservative Party, the Liberal Party, the Bloc Québécois and the NDP, all appeared to answer questions on the change from $5,000 to $1,000. Amendments were proposed to change it, but were not successful. Evidence was presented and the issue was hotly debated.

Hon. Terry M. Mercer: Would the honourable senator tell us how much time those representatives of the political parties, the professionals who run campaigns, were given by the committee to examine the effects of these changes on the political process, and to testify? Many people in this chamber, including Senator Atkins, myself and several others, have had the pleasure and honour to manage our political parties.

Senator Oliver: I cannot answer that. I can tell the honourable senator there were more than 70 hours of debate and 70-plus witnesses, but I do not know the specific amount of time that individual parties had. I do know that a lively and fulsome debate went on for hours.

Senator Mercer: As always happens in the House of Commons, debate is lively as debate is lively now. If the honourable senators examined the times that people were given to testify before the committee in the House of Commons, they might find that time was limited, so that members did not have an opportunity to fully question the witnesses, to examine the depth of their knowledge and to explore the effects of all aspects of this legislation.

I understand that the issue will probably go to the committee that the honourable senator chairs. I hope witnesses will be given a little more time. One benefit of the Senate, of course, is that we take our time to examine, in the fullness of time, what the witnesses have to offer. We try not to limit witnesses' testimony. Obviously, we do not want to waste our time, but we want to make sure that we get every piece of knowledge out of the witnesses.

Will the honourable senator commit to ensuring that time will be taken in his committee as we examine this bill?

Senator Oliver: I thank the honourable senator for his question. I, of course, will not make the decision. The decision on witnesses that come before committees is made by a steering committee.

Senator Joyal and Senator Carstairs are the two other current members of that committee. We had a preliminary meeting on the issue. We have looked at a number of witnesses, at times, and so on. I will take the honourable senator's representations to the next meeting of the committee, with a recommendation to give them careful consideration.

Senator Joyal, Senator Carstairs and I all feel that this bill is extremely important, one that we should not rush, one on which we should hear a lot of witnesses, and the witnesses should be given ample time to make their points.

In the House of Commons, the rules provided that each witness or set of witnesses was given 40 minutes. Witnesses were given 10 minutes to make their opening statement, and 30 minutes was given for questions from the committee.

Hon. Jack Austin: Honourable senators, first I want to congratulate Senator Oliver for the weighty responsibility that the government side has given him to sponsor this legislation. The legislation is considerable in size and complexity. In fact, Senator Oliver is sponsoring a number of bills, all wrapped into one.

I wanted to ask the honourable senator about the part of the bill that deals with the conflict of interest commissioner. Of course, he and I and many others here are familiar with the debates we had with respect to the Senate Ethics Officer. We are familiar with the Oliver-Milliken report with respect to conflict of interest and the management of conflict of interest issues.

Does the honourable senator find himself somewhat in personal conflict in acting as sponsor of this bill, which has this conflict of interest commissioner? In my view, the proposed conflict of interest commissioner ignores the independence of this chamber, an independence which the honourable senator and others made such a point of in previous debate.

Is the honourable senator comfortable now in turning his back on the previous positions taken with respect to the Senate Ethics Officer, and will he represent the conflict of interest commissioner argument contained in the bill, or is he open to entertaining an amendment from this chamber to preserve the Senate Ethics Officer as an independent officer of this chamber?

Senator Oliver: I thank the honourable senator for his question. I do not make the decisions for either the steering committee or the Standing Senate Committee on Legal and Constitutional Affairs. Decisions will be taken by the committee itself and the steering committee will make recommendations to the committee with respect to witnesses and so on.

Through preliminary talks in the steering committee, it is recognized that the area of the bill that the honourable senator raises questions about is one to which we should give careful consideration. We have already turned our minds to the types of witnesses who should be called to come before the committee to give evidence. Once the bill gets to committee, witnesses are called and evidence is heard, the committee will decide what it will do by way of amendments or other actions.

Senator Austin: As sponsor of the bill, is the honourable senator currently able to accept possible amendments that would bring about a return to the current situation, that is, that of a Senate Ethics Officer, independent from the proposals that are contained in the bill?

Senator Oliver: The committee will make that decision. As the honourable senator knows from his many years here, when a bill goes to the committee, the committee is allowed to hear evidence, make a report, make amendments and bring amendments back to this chamber for consideration.

I do not want to prejudge what our committee will do, should it get the bill and should it hear witnesses on the bill. I do not want to prejudge what might happen. I do want to ensure that the committee has ample time and opportunity to hear all significant witnesses on the important point that the honourable senator raises.

Senator Austin: Thank you.

Hon. Anne C. Cools: I wonder if the honourable senator will take a question.

Senator Oliver: Yes.

Senator Cools: My question pertains to the new regime of Ethics Commissioner that will be created by this bill. I think the honourable senator knows that in previous years, I had taken quite an interest in the then-government's creation of the position of Senate Ethics Officer.

Can the honourable senator relate to this chamber the problems in the current regime that have caused the government to want to replace it? Hopefully, it is being replaced for a good reason. A proposal to replace a regime must be founded in some solid basis of reason. What are the imperfections in the current system that the new proposal is intended to remedy?

Second, could the honourable senator tell us a little bit about the differences between the current regime and the regime as proposed in this bill?

• (1610)

Senator Oliver: First, I am not a member of the cabinet and I did not sit in the cabinet when they decided to bring forward this bill. If I were a member of cabinet, that information would be privileged. Some of the reasons that appeared in the media are well known to all. As I understand it, the Prime Minister wanted to have someone involved with judicial and legal training. That also came out in the hearings before the House of Commons.

As to the reasons why the government proceeded in that way, that is a matter for cabinet.

Senator Cools: Honourable senators, I am curious as to the reasons why the current system and its Senate Ethics Officer needs to be replaced, unless we engage in change for the sake of change.

What is of interest to me is that a couple of years ago, many senators worked very hard on the subject matter, and most senators here took some pretty strong positions. I am trying to understand the basis and the foundation for the sweeping away of all of those positions and all of those stands in favour of this one? There must be an explanation based in reason, based in the law and based in the Constitution. If the honourable senator believes that the current system is not broken, why is he proposing a new one? If he is proposing a new system, then tell us what is wrong with the old one.

An Hon. Senator: Good point.

Senator Oliver: I thank Senator Cools for her question. One of the reasons that the Senate committees call witnesses before them is to answer questions such as this.

It is my hope, without prejudging who the steering committee may choose to call on this point, that various ministers who have responsibilities in these areas, such as the Minister of Justice, could be called before the committee to account.

[*Translation*]

Hon. Michel Biron: Honourable senators, the Moisan report revealed that the Parti Québécois turned a blind eye to $96,400 in contributions it received. In his recommendations, Judge Moisan proposed:

> ...rather than discreetly looking the other way and taking a holier than thou attitude, we should increase the contribution limit for individuals to $5,000 and for corporations to $15,000.

In its campaigns, the Parti Québécois has always claimed to be the most honest party. In view of Judge Moisan's recommendations to increase the contribution limit, how can we consider reducing it from $5,000 to $1,000?

[*English*]

Senator Oliver: The province of Quebec had a system provincially of financement populaire that put controls on contributions. The system that existed in Quebec was looked at by the Lortie Royal Commission when it made recommendations on political financing of political parties and individual candidates. The committee would be well disposed, as the committee was in the House of Commons, to call a number of officials from the electoral office in Quebec City before us so we can hear what their views are now.

Hon. Pierrette Ringuette: I have been listening to the issue in the last few months, since the bill was tabled in the other place. I always want to relate to my own home province. I was curious this week to hear that the current Prime Minister of Canada would want to decrease personal contribution to political parties to $1,000, while the political cousin of the honourable senator, the Premier of New Brunswick, Bernard Lord, indicated this week, publicly and in the provincial legislature, that he would like to see New Brunswick provincial political parties be able to have $3,000 in personal donations to any political party.

Will the honourable senator also look into what is happening in the provinces in regard to this issue?

Senator Oliver: I do not want to disclose all of the things that were discussed in an in-camera meeting of the steering committee today, but there were discussions of the types of provincial witnesses who will be called on a number of the sections in the bill. That is something that the committee will consider again at its next meeting.

In fairness to the other members, I do not wish to disclose much of what we spoke about in terms of the types of political representatives who may or may not be called before the committee once the bill gets there. I have heard the representations of the honourable senator.

On motion of Senator Fraser, debate adjourned.

[*Translation*]

INTERNATIONAL BRIDGES AND TUNNELS BILL

FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-3, respecting international bridges and tunnels and making a consequential amendment to another Act.

Bill read first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[*English*]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Norman K. Atkins: Honourable senators, I rise today to join in the debate with regard to Bill S-4. Let me begin by saying that one of the benefits of the Senate is the broad representation and experience offered by its members.

By moving in a direction of limiting the tenure and subsequently electing the Senate, which the Prime Minister has signalled, the quality of candidates will be limited. We will not attract senators like Senator Keon, Senator Banks and Senator Kirby; and former senators such as Senator Morin, Senator Forsey and Senator Beaudoin. The Senate is more representative of linguistic minorities, Aboriginals and women — indeed, Canadians in general — because it is different from the House of Commons and need not be concerned with issues that affect elections.

If honourable senators are limited to an eight-year tenure, combined with some form of election, there will be little difference between the House of Commons and the Senate. Ultimately, the Senate will become less representative of regions and more partisan. Quite possibly, a senator seeking re-election would be at the mercy of prime ministerial approval.

• (1620)

I believe that the government does not give enough credit to the Fathers of Confederation and the Constitution. If we abide by the Constitution it works, and has worked for a very long time. To assume you can make changes to the Senate without having it affect the balance of power, and without a clear and complete plan, is dangerous, as was pointed out succinctly by my colleague, Senator Murray.

I have long believed that instead of re-forming the Senate or bashing it, the government would be well advised to better utilize it. The Senate should be given more opportunity to deal with inquiries, commissions, and the Committee of the Whole. There has been such a mindset that there is something wrong with the Senate because senators are appointed, the extremely good work that is done is being overlooked, such as the committee reports.

The criticism that senators are not representative, should have limited tenure, and must be elected, comes with a price. Electing senators will change the relationship between the two Houses in terms of their responsibilities. One difficulty is that the Senate will, by virtue of being elected, expect and demand more authority and be more representative than a member of the House of Commons.

As many of you already know, I am against an elected Senate, for reasons I have already stated before in the House. I have no reason to think that an eight-year tenure is any more desirable. That said, there is room for change, but I believe that in order to make major reforms the government must examine all the institutions of government. To reform the Senate will take constitutional change. We must adhere to the rules as outlined in the act. To bypass the act would be a disservice to Canadians. The Supreme Court, as indicated by our esteemed colleague Senator Hays, was clear on that point in the 1980 ruling. It clearly stated that:

> If tenure was decreased enough, one of the Senate's essential characteristics, which is to say providing sober second thought to legislation, could be impaired.

The Leader of the Government in the Senate has argued that we have had a number of senators who served a minimum number of years and were effective. That is true, but most of them would tell you that they were reluctant to leave and had much more to offer. They also had the benefit of the wisdom and guidance of their colleagues, who have been here much longer, and are able to draw on their experience and expertise to help guide new and inexperienced senators through the examination of legislation. These very senators are able to work together in a non-partisan fashion because they have had no need to concentrate on re-election or imminent retirement within a short period of time.

I cannot envision a Senate with very little experience and background, and no real corporate knowledge. It certainly would not be as effective as the Senate of today. We have long benefited from the expertise and guidance of senators such as Senator Beaudoin, whom our leader indicated was consulted for constitutional opinions on this very bill, precisely because of his knowledge and long experience gained in this place. Do you truly believe that Eugene Forsey, one of our legendary constitutional experts, would have run for office?

The bicameral system is a check against the House of Commons. There are many bills that come through the House of Commons that the government decides are ultimately not in its best interests. The Senate gives them an opportunity to make that adjustment.

The Senate has cleaned up sections of bills that the House of Commons had overlooked, which dealt with issues such as a labour bill that was not gender cognizant. The Senate dealt with an abortion bill that turned out to be an unacceptable compromise to many people on both sides of the question It clarified an omnibus bill, Bill C-93, with a section, Part III, which was designed to reverse a decision previously made by the government that should never have re-emerged. It was buried in an omnibus bill for precisely that reason.

The government should not unilaterally make changes to suit its will and its political agenda. If a change such as adjusting tenure can be made by utilizing section 44 of the act, then any number of changes could potentially be made without consulting the provinces, which I believe is a dangerous course.

What would stop a government with a large majority from introducing a debate on the proposed clause that will allow senators to remain godfathered? They could argue that it was not democratic for elected senators to deal with unelected senators and rid itself of those senators who were appointed to age 75. It has been pointed out by Senator Cools that this change to section 44, which limits tenure, opens the door to abolishing tenure. All of this could potentially happen without a full constitutional debate if we follow this course.

There have been many questions posed during the recent debate regarding the effects of a change of tenure. One that comes to mind is if a senator under the current system reaches retirement age, is he or she precluded from running for election and subsequent re-election?

The Canadian electorate has become cynical when it comes to politics and, indeed, that includes the Senate. There is a perception that the public believes favouritism and partisanship play too much of a role.

Our provincial premiers, when frustrated with the federal government and its policies, use the hot-button issue of Senate reform, abolition and Senate-bashing as a method of attracting attention to their cause. Even our current Prime Minister attacked the Senate to get a big applause during the election campaign.

The fact of the matter is, while the public has heard one side of the argument in reforming or abolishing the Senate, I have yet to hear a concise, clearly-outlined explanation of what that entails, and an evaluation of the consequences of removing the Senate.

This institution was specifically designed by our Fathers of Confederation for the good of the country as a form of check and balance or a safety valve, if you will. The fact that it was created by our Fathers of Confederation a long time ago takes nothing away from the merits of having it. Tinkering with it and its raison d'être is ill-advised.

Canadians need to be aware and understand the consequences of having a political party with a large majority, with an agenda that is not necessarily supported by the people and nothing to impede their will.

The Senate provides an opportunity to slow legislation down, good or bad, to be studied and contemplated, for the good of all Canadians. It is indeed a safety valve.

Utilizing section 44 of the constitution, as the government wants to interpret it, indicates contempt for not only the spirit and perhaps the letter of our Constitution, but the electorate of this country, not to mention the Senate itself. By making changes that undermine the effectiveness of the Senate without opening the constitutional debate and reviewing all institutions, the government might be playing good politics for election purposes, but the question is, is it good policy and is it good for the country?

Senator Merchant has stated:

> We have to approach Bill S-4 in relation not to where we are politically, but with the future and the good of Canada in mind.

That is good advice.

Senator Hays, in speaking about our system of government, appropriately said in his statement:

> ...we have respect and pride in our democratic system of government that has bridged these vast physical divides and facilitates our cultural, social and economic differences so successfully that we are among the most admired and envied countries in the world. We need to protect that system, and change should only come after careful and calculated study.

• (1630)

Honourable senators, let us not forget that Canadians have been well served by the Senate since Confederation. We should be proud of the fact that our nation calls upon some of Canada's leading citizens to serve our country.

Let us be clear: This is the first in a potential major realignment of our system and balance of power between the Senate and the House of Commons. It could well be the first step towards the Americanization of our political system. Does the Harper government have the mandate to do this? I think not.

We must trust Canadians. If the Harper government wants to remake the Senate, then let it present a thoughtful and clearly articulated vision for the Senate and all our institutions. I urge

honourable senators to say "no" to ad hocery and say "yes" to responsible government as envisioned by our Fathers of Confederation.

Some Hon. Senators: Hear, hear!

Hon. Terry M. Mercer: Honourable senators, I am pleased to have the opportunity to continue a debate on Bill S-4, which would limit the tenure of senators to eight years.

As honourable senators are aware, there is no fixed tenure for senators apart from the framework established by the Constitution. It is obvious that if a senator was appointed at the age of 30, they could serve up to 45 years.

Others have acknowledged that this bill does not change the power of the Senate, the method of selection of senators or the distribution of senators by region. However, this bill does open a Pandora's Box in the sense that it is a piecemeal approach by this government to Senate reform. It threatens the very purpose of the Senate and its traditions.

During the last election campaign, Stephen Harper stated:

> A national Conservative government will establish a national process for senatorial elections in each province and territory on an interim basis. An appointed Senate is a relic of 19th century Canada. An elected Senate, reflective of the federal nature of our democracy, will be a defining feature of 21st century Canada.

While Bill S-4 does not touch on these matters, it is the start of the dismantling of the purpose of the Senate and the effectiveness that the current processes hold.

Honourable senators, one of the most important roles of the Senate is its independence and its role in providing sober second thought in the legislative process. Some believe that changing the tenure of senators to eight years will not impair this process. I disagree.

The bill itself does not overtly threaten this place, but it certainly does in a covert way. It is a first step as part of the hidden agenda of this new government concerning Senate reform. Instead of a proposal for an elected Senate that was promised during the election campaign by Stephen Harper, we have this bill before us. We are told this is merely the first step in Senate reform. Therefore, we must remember that future reforms are coming. Again, I am concerned that this piecemeal approach starting with Bill S-4 will indeed change the very nature of this place.

We must remember that in order to make an informed decision on any piece of legislation that comes before us, we need to see a full plan. I therefore cannot support this bill because it is only a small part of the plan.

Honourable senators, I will not debate the history of the Senate or the history of other reforms. I compliment my colleague Senator Atkins on what I thought was one of the best speeches I have heard since being in this place talking about Senate reform, and I congratulate him for that.

Many others more literate than I in constitutional matters have already put their voices on record. Nevertheless, I will add my own opinion. I am an advocate of Senate reform. Any type of change we can make to improve the democracy upon which Canada is built is welcomed by everybody here and I think in the other place. However, a tinkering around the edges approach is not satisfactory and may result in creating more problems. It is essential that the special Senate committee undertake an in-depth study of Senate reform as a whole to ensure a thorough examination of all relevant issues. In addition, it should include the principles of the bill.

If we are to have open process and an effective democracy, this special study is required. I urge honourable senators to support this process, as we did yesterday, so that we may allow government representatives, scholars, experts, advocacy groups and Canadians to assist us in making our decisions.

This is how the Senate works. This is how the bill should be handled as well. Let us review some important points from the preamble to the bill. It states:

> Whereas the Government of Canada has undertaken to explore means to enable the Senate better to reflect the democratic values of Canadians and respond to the needs of Canada's regions.

Honourable senators, I see nothing in this bill nor from this current government to suggest that any meaningful reforms have even been thoroughly researched by the new "old boys club" in the PMO.

If we are to respect the representation of the regions by the Senate, we must involve those regions in all discussion of any type of Senate reform. Was there any consultation with the provinces in the proposing of this bill? That is a good question for us to ponder. It is one more reason for the Special Senate Committee to explore Senate reform as a whole.

The preamble goes on to state:

> Whereas the tenure of senators should be consistent with the principles of modern democracy.

The Leader of the Government in the Senate spoke of the eight-year term as being the average term for senators within the current framework of appointments. While this may be true, how does the current bill change that? If on average senators serve eight years, why change the current system with this piecemeal approach? Why not fully engage the entire process and reflect upon meaningful Senate reform so that we may effectively reform the Senate to ensure its relevancy to the Canadian people?

Honourable senators, there is only one reason why this has not happened: Stephen Harper will not open up the constitutional debate because that is what is required to truly reform this place in any meaningful way.

My main concern revolves around the regional representation this honourable place provides. This is the only institution in our governing structure where my province of Nova Scotia and our Maritime friends in New Brunswick and Prince Edward Island are equal to the larger regions and populations of Central and

Western Canada, of Quebec, Ontario and Western Canada. This is indeed why the Fathers of Confederation designed the Senate the way they did. This is the only place where small Maritime Provinces can cope. We have 25 seats in the House of Commons collectively up against 75 seats in Quebec and 105 in Ontario. We will never be able to have the numbers when the process involves representation by population. This is the place where we are equal. This is a place where I represent the Maritimes.

Some Hon. Senators: Hear, hear!

Senator Comeau: Thunderous applause.

Senator Mercer: I did not see my good friend Senator Comeau applauding. I am disappointed with that.

However, we must be willing to acknowledge the inadequacies in the distribution of senators in the regions. The Fathers of Confederation did not know about the oil in Alberta or the potential for the Pacific gateway for British Columbia or the development of the Okanagan Valley where everybody has moved and the populations have grown so significantly. Population has grown tremendously in the West, and that needs to be examined in terms of the number of senators for the West.

• (1640)

I applaud our colleague for introducing this motion. I have not had a chance to look at it in detail, but it is an interesting first step and an interesting place to begin the discussion. However, even that is somewhat piecemeal. We are not talking about the whole picture. It is not only about representation; it is about how we do things.

However, I cannot preclude the fact that the Maritime region must remain equal to the West. That is one of my concerns.

Honourable senators, why are senators who represent the regions not talking about this? Why is Stephen Harper not talking about this? Why is he not coming to the Maritimes and saying that he will weaken our representation in the national capital by changing how the Senate works? That is probably one of the reasons he did not win many seats in Atlantic Canada.

We are left with a bill that I believe is designed to appease the electorate with partial fulfillment of a campaign promise. This bill should be treated as such.

The debate surrounding changes to our democratic system of governance must occur, but it must be done correctly. Debate must take place in the homes and legislatures across the country and, most important, among us here and among those in the other place. If we are to achieve any meaningful type of reform, not only of the Senate, but of all institutions of the Government of Canada, we must do it right.

Therefore, I urge honourable senators not to support this bill in its current form. Do not believe that this bill will accomplish what it sets out to do. It is a piecemeal approach to meaningful reform. Let us strongly advocate for proper study of Senate reform, proper consultation with the provinces, proper consultation with the regions and, more important, proper consultation with Canadians. Let us offer them an opportunity to discuss these matters in depth. Let us not limit the time it takes for proper study nor hide true reform in a bill that will accomplish nothing to truly aid democracy.

Some Hon. Senators: Hear, hear!

Hon. David Tkachuk: Will the honourable senator accept a question or two?

Senator Mercer: Of course, honourable senators.

Senator Tkachuk: I find it rather humorous that senators are discussing this issue. If ever there was a conflict of interest, it is us sitting here feathering our own nests.

Some Hon. Senators: Oh, oh!

Senator Tkachuk: This bill requires an eight-year term for appointments to the Senate by the prime minister. If one is elected and then appointed without a term, there is no responsibility. In other words, if one is elected once, the Prime Minister appoints you, and you stay until age 75. The key to responsibility is having to face re-election.

However, if we leave things as they are with an eight-year term, one of two things will happen. Either a Prime Minister will appoint a senator for eight years, every eight years, or the Prime Minister will ask the people for their advice on who he or she should appoint as senators. How will that change the essential nature of the Senate?

Senator Mercer: First, I think it will change the situation because if one must be reappointed every eight years, one becomes beholden to whoever occupies the Langevin Block in that eighth year.

Senator Tkachuk: How is that different from now?

Senator Mercer: Currently one is only beholden to that person until the day of appointment, I guess.

I think Senator Tkachuk is misrepresenting us all, including himself. I have a great deal of respect for the honourable senator. We sit on two committees together. I admire the work the honourable senator does on behalf of the people of Saskatchewan. I think the honourable senator is doing a good job.

He suggested in his question that senators are not doing their job in a responsible way, that we do not feel responsible to our oath of office, that we do not feel responsible to the people of Canada and to this chamber. I feel very much responsible to the people of Nova Scotia and I try to ensure that I meet as many Nova Scotians as possible and hear what they have to say about public policy and about how this place operates.

To return to my first comment, this is piecemeal. If we are going to talk about limiting terms, electing senators, and other things, let us do it all at once. If one builds a house in pieces rather than all together, it will be quite a mess. I think the honourable senator knows what I mean.

Senator Tkachuk: I still do not know what the honourable senator means, and the honourable senator has not answered the basic question. If the Prime Minister appoints senators for eight years who are elected by the people rather than deciding whom he will appoint, how will that change the nature of this place?

Senator Mercer: The ultimate question is whether the person who is appointed for eight years is eligible to be reappointed. If that is the case, senators will have to go through the electoral process again. If we are to have an elected Senate, call it an elected Senate and do not do it through the backdoor.

The Hon. the Speaker *pro tempore*: I am sorry to advise the Honourable Senator Mercer that his time has expired.

On motion of Senator Fraser, debate adjourned.

NATIONAL DEFENCE ACT
CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
CRIMINAL RECORDS ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Nolin seconded by the Honourable Senator Andreychuk, for the second reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

Hon. Serge Joyal: Honourable senators, your minds have been solicited on many important issues this afternoon. There was the issue raised by Senator Corbin with regard to the status of Aboriginal languages in this place. There was the issue raised by the Honourable Senator Oliver in relation to parliamentary privilege, which is a difficult and important issue. There were the issues raised by Senators Atkins, Tkachuk and Mercer on the issue of the role of the second chamber in a democratic Parliament where the founding principle is that of responsible government.

I know that our minds are boggled with many difficult and abstract concepts already, but I will now speak on Bill S-3, an act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

I normally do not take the time of the chamber to speak on issues related to the National Defence Act. There are senators who are better versed than I in the reality of the Armed Forces. Senator Kenny and the members of his committee from both sides deal with that extensively in their work.

However, honourable senators, this bill, with its very innocuous title, deals with a very serious issue. It deals with women in the army who are the victims of criminal offences. This bill seeks to give to the Chief of the Defence Staff sole authority to decide whether the name of the member of the Armed Forces who has committed such a crime will have his or her name in the registry of such offenders which exists under the civilian common law.

Honourable senators will remember that we adopted that legislation three years ago.

• (1650)

This bill aims to give to the Chief of Defence Staff the sole discretion to decide if the name of a person will not be put into the registry on the basis of:

> ...national security, international relations or the security of an operation...

What does this bill do in practice? Normally, the power to decide who will be in the registry is in the hands of a judge in the common law court, who decides on the basis of representation from the lawyers or attorneys of the defendant if the name of the accused who has been found guilty, will be in the registry. A judge decides that. In the context of the army, the army will makes that decision.

The first issue that comes immediately to mind is this: We must be sure that there will be a fair process in the army. We know that in civilian society there is a fair process. There is the capacity to argue, the capacity to rebut and the capacity to rely on a neutral arbitration, a neutral decision.

Honourable senators, we received this bill last year. This bill is the second incarnation of a bill that was in the previous Parliament as Bill S-39, which we debated in the chamber. We sent it to the Standing Senate Committee on Legal and Constitutional Affairs, chaired at that time by the Honourable Senator Bacon, and we met more than eight times on that bill. We found that the bill had, among other flaws, that very issue. There was no oversight of the army decision to not put the name of a sex offender into the registry for, as I said, "national security, international relations or reasons of national security."

Honourable senators will understand that when we had that bill in committee we felt it should be amended to give the capacity to have oversight of the army decision. Why do we need oversight of the judicial power that the Canadian Forces has over the conduct of its members?

I will quote from the former Chief Justice Brian Dickson, who wrote in his report in 1997 on the administration of justice in the army. The report is entitled, *Report of the Special Advisory Group on Military Justice and Military Police Investigation Services*. In his report, Justice Dickson said:

> What we believe is most necessary to restore confidence in the military justice system is increased transparency, accountability, and equality in the application of justice among all ranks.

I repeat, honourable senators: "transparency, accountability and equality in the application of justice among all ranks." I thought we were discussing Bill C-2 when I read that sentence. In other words, when you take decisions, whereby the rights of the person are at stake, it is essential that the process be transparent, that the authority be accountable, and that there be equality of rights in the justice system.

That was the report of Justice Dickson and he continues:

> An institutionalized process of oversight and review is required to ensure accountability for and transparency of the military justice system within the Canadian Forces community.

That report of 1997 — or its conclusion — was restated in 2003 by another former justice of the Supreme Court, the Right Honourable Antonio Lamer, who was at that time the chief justice of the court. What does he state about the necessity of transparency and accountability? I quote from page 78.

> Independent oversight is especially important for the military police and, in this regard, civilian oversight of police forces is particularly instructive.

In other words, if this bill, the original bill, was to give to the Chief of Defence Staff the final authority to decide if the name of a sex offender in the army is not placed on the registry, who is the civilian oversight over the Chief of Defence Staff?

The government, in introducing Bill S-3, made an amendment to the original Bill S-39. I commend the government for that. The Honourable Senator Nolin, as sponsor of the bill, when he introduced the bill, read clause 227.15(3) at page 15 of the bill, which states:

> The Chief of the Defence Staff shall notify the Minister without delay that a determination has been made under this section.

In other words, the Chief of Defence Staff shall notify the minister without delay. That is what the bill requests. In other words, in the Bill S-39 the Chief of Defence Staff made the decision, as one would say, in chambers, without anyone knowing about it. Now in Bill S-3, he will have to notify the minister.

I submit to honourable senators that this step is not the last in ensuring civilian oversight. When the Chief of Defence Staff notifies the minister, the minister should have a way to report to Parliament. Parliament, which is both Houses, should have the capacity to be informed that a special derogation to the common law system has been determined necessary for the benefit of national security, international relations and other military operations.

Why? In previous years, when there has been discussion about the status of women — victims of sexual offence in the army — the military gave the following conclusion:

> Compounding questions around the abuses are the dismissive and/or repressive responses of military authorities. They include interference from superiors in military police investigation into sexual assault, attempts by superiors to keep sexual assault charges out of civilian courts, the quiet removal of perpetrators from the base where the assault took place, and pressure on victims to remain silent.

In other words, if you leave the sole authority within the army ranks, there is a tendency in the system to draw a blanket over the issues. This issue is important because it has an impact on the attrition rate in the army. Honourable senators might think that this issue is of limited importance, and that it concerns only a limited number of people. In fact, it concerns the whole women's contingent in the army.

I will tell honourable senators how many women there are in the Canadian Forces. At present 13 per cent of the armed forces is constituted of women, and 23 per cent of the reserve is women. On the regular combat armed forces, 1.9 per cent is made up of women.

I invite honourable senators to look at the paintings around this chamber. Look at the women in those paintings. Those paintings no longer represent the Canadian reality. The first painting, which is on the far end of the Senate, is entitled, "Landing of the First Canadian Division at St. Lazar" painted in 1916. The women are in the back with the children.

Look at the painting at the front of the chamber. The women appear totally in the back, as nursing sisters. They depict the status women had in the 19th century and the beginning of the 20th century.

• (1700)

The one above my head depicts women as victims of war. In none of those paintings are women in the Armed Forces. In none of those paintings are women in combat division. You will all remember that the first woman who died in combat division was the late Nichola Goddard, just over a month ago. The reality now, honourable senators, is that women are part of the Armed Forces. They are part of the Armed Forces in a very difficult context. Why? Because the army is a man's world; women are the gender minority in the army.

The traditional virtues of the army were the virtues of masculinity. Karen Davis, a defence scientist recently transferred to the Canadian Forces Leadership Institute in Kingston, Ontario, and one of the leading authorities on the status of women in the army informs us that research suggests that women's experiences within organizations too often include issues of discrimination, which are both sexual and based upon their gender. That is what women face when they join the army.

In other words, when a woman joins the army, she is joining the boys' club. When you enter the Armed Forces, you are told that it will make a man out of you. That is the reality. Women entering the army have to face that context.

Honourable senators, I refer you to another article, which I read with interest. The article is included in the *Canadian Woman Studies: Women in Conflict Zones* and is entitled "The Enemy Within: Female Soldiers in the Canadian Armed Forces." It is written by Marcia Kovitz. The title of her PhD dissertation at Concordia University was entitled "Mining Masculinities in the Canadian Forces." She is presently a teacher at John Abbott College in Quebec.

What do I want to tell you, honourable senators? I want to tell you when a woman enters the army, she runs the risk of being the victim of a sexual assault. Senator Cools asked a specific question on that subject, when we debated the bill the first time. Senator

Cools pointed out that there should be a capacity to seek redress for women. At that time, we asked the question, who is defending the women in the army who feel aggrieved? The answer we received was "the ombudsman."

Honourable senators, last week you received the annual report of the ombudsman, titled *Dedicated to Fairness*. In that report, you will find that among the top five complaints in the army, harassment comes fifth. It is still a reality. It is not something we can close our eyes to and think that it does not exist.

Honourable senators, on Saturday, June 3, *La Presse* reported a case whereby a young recruit, with 12 other men, went out on an expedition with two other female recruits. When they returned one of them laid a charge of sexual assault. The case is in the court. If you think this issue means nothing, or that it is just something that is part of the old days, the reality of all the documentation you have received shows the contrary.

As I mentioned to you when we were studying the previous incarnation of the bill, we asked the simple question, what is the compensation system for a woman who is the victim of a sexual offence in the army? Of course, a soldier who is wounded or dies in combat has compensation. However, a woman who is the victim of a sexual offence in the army does not have a compensation regime. She is by herself.

We received from the Deputy Judge Advocate General, Military Justice and Administrative Law, the following answer to what is the compensation regime for a woman who happened to have been the victim of a sexual offence. I quote the report that we received at our request, on November 25, 2005:

> With respect to a Canadian Forces policy on the compensation of victims of crime committed in the context of the Canadian Forces, while a formal policy does not exist, there are two mechanisms by which members may seek compensation in such cases.
>
> First, the victim of a crime can pursue a claim against the Crown to receive compensation for any damages suffered as a result of that crime. In such cases, the liability of the Crown will be assessed on a case-by-case basis and a determination made on the payment of damages.
>
> Second, members and former members of the Canadian Forces who have been the victim of a crime, and who, as a result of the incident, suffered a mental or physical disability, as defined in the Pension Act, may be eligible to receive a disability pension under the Pension Act. It should be noted that the Pension Act is administered by Veterans Affair Canada and not the Department of National Defence....

The Hon. the Speaker *pro tempore*: Your time has expired. Can the honourable senator have five more minutes?

Hon. Senators: Agreed.

Senator Joyal: Thank you, your honour and honourable senators.

> ...and therefore it is Veterans Affairs Canada who determines when an individual is eligible for a benefit under this act.

In other words, there is no compensation for victims of a sexual offence in the army.

Honourable senators, I think that when we look into the overall objective of increasing the level of military to 20,000, as was announced by the government, one has to look at the attrition numbers. Who is leaving the army more than anyone else? The numbers show that women leave the army in greater numbers. You ask why? Women leave the army because it is a man's world. Women are harassed more than any other soldier, and women who take the risk of lodging a complaint of sexual harassment have a slippery slope to climb.

We asked the witnesses how many times the person was found guilty and we learned that 17 soldiers have been found guilty since 2000.

If you want to know, honourable senators, what we are talking about, here is some information on sexual harassment in the Forces. On November 15, 2001, a corporal exposed his genitals to a female corporal. On January 22, 2002, a private with the intention of offending a private, exposed his genitals to her. On March 9, 2002 a male soldier invited the complainant to accompany him to a washroom and removed all of his clothing in her presence. Honourable senators, you can read more of the details in the report we received from the army.

What I want to tell you, honourable senators, is that it is a very difficult issue. We have to be sensitive to the reputation of the army. The army is now recruiting, and they want to recruit more women than the statistics I gave to you. Only 13 per cent of army personnel are women, and only 1.9 per cent of the women in the army are in combat forces. We want to increase that percentage.

If we want to increase that percentage and be effective, we have to have a system whereby a woman in the army who is the victim of a crime can rely on a compensation system, the same way she can in civilian society.

Honourable senators, I know this is not an issue that attracts a lot of attention, but I think that in such a bill, whereby those two principles are at stake, the Standing Senate Committee on Legal and Constitutional Affairs has to look into that bill with sober second thought. This bill was first introduced in this chamber and not in the other place, on the basis that it was housekeeping. When you brush the floor, or you lift a carpet for housekeeping, sometimes you find things that need a good vacuuming. I feel that this is the case with this bill especially after the lengthy debates of this afternoon. The principles that are at stake in this bill are paramount. They deal with transparency, accountability and equality. I rely on the good attention of honourable senators, to proceed with this bill.

• (1710)

The Hon. the Speaker: Are honourable senators ready for the questions?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

[*Translation*]

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[*English*]

PUBIC HEALTH AGENCY OF CANADA BILL

SECOND READING—DEBATE ADJOURNED

Hon. Wilbert J. Keon moved second reading of Bill C-5, respecting the establishment of the Public Health Agency of Canada and amending certain Acts.

He said: Honourable senators, I am pleased to rise today and speak to Bill C-5.

As honourable senators will be aware, this bill will create in law what already exists through an Order in Council; namely, the Public Health Agency of Canada.

We have seen Bill C-5 before, of course, in the form of Bill C-75. Honourable senators may recall that in November 2005, during the waning days of the last parliament, the previous government introduced the enabling legislation for the Public Health Agency of Canada, over a year after it actually created the agency. That bill never made it beyond first reading.

This government introduced the bill recently, and we have it before us today because we believe that public health is something that needs to be taken very seriously. Bill C-5 will ensure the agency has the stability it needs in order to continue doing what it has been doing — fulfilling the roles of leadership, innovation and coordination to help promote and protect the health of Canadians.

The bill was examined and debated in the other place. What emerged during the discussions was that there was strong support for strengthening public health in Canada. As the member of Parliament from Yellowhead, Rob Merrifield told parliamentarians on May 2:

> It is important for us to do everything we possibly can to ensure that we and all Canadians are prepared and this legislation would do all of that and more. This is the beginning of an exciting chapter in the history of Canada and it prepares us well for the 21st century and beyond.

Not only is there support for strengthening public health, there is also a view that it is time for the federal government to step up to the plate. Ottawa must work with the provinces, the territories and other agencies to ensure that the public health needs of all Canadians are properly met.

Health Minister Tony Clement pointed to this need when he described his experiences during the SARS outbreak to the House of Commons Standing Committee on Health, on May 11.

> It was very difficult at the time to get a coordinated national response. ...there were lots of cases where there were individuals who were persons that we were afraid were infected with SARS who were travelling to family and friends in other provinces. I remember a distinct conversation I had with Monsieur Legault, who was in the middle of a provincial election as Quebec health minister. He had to stop his campaigning because we were afraid that a particular person who might have been infected with SARS visited family in Montreal. That's the worst phone call a provincial health minister can get from a federal health minister: "By the way, you might have a SARS case in our own province."

The minister went on to say:

> I think we learned a lot from that experience, both on the provincial side and on the federal side. Having this statutory authority will allow us to do the jobs that these individuals can do for us with the right authority to do so.

Following the SARS outbreak in 2003, three reports were released — I had the privilege of participating in two of the three reports — one completed by the National Advisory Committee on Severe Acute Respiratory Syndrome and Public Health, which was headed by Dr. David Naylor — the Naylor report — and another by the Senate Standing Committee on Social Affairs, Science and Technology, chaired by our colleague Senator Kirby — the Kirby report. The third was an Ontario report chaired by Dean Walker from Queen's University. These reports recommended creating a federal focal point to address public health issues — a Canadian public health agency with a chief public officer for Canada.

On September 24, 2004, the previous government took the step of establishing the Public Health Agency of Canada, and naming Dr. David Butler-Jones as Canada's Chief Public Health Officer. Circumstances produced a delay in the necessary legislation that we now have in the form of Bill C-5.

In addition to calling for federal leadership, the report also emphasized that understanding, prevention and managing chronic and infectious diseases, as well as promoting basic good health, were the keys to encouraging a healthier population and reducing pressure on our health care system.

This was echoed at the Standing Senate Committee on Social Affairs, Science and Technology last November in the context of studying Canada's preparedness for a pandemic, a hearing which I chaired. Dr. Joel Kettner, the Chief Medical Health Officer for Manitoba Health, told us at the time:

> In the first level of preparedness of the population, we now understand the importance of a healthy living strategy. It is not just a superficial aspect of educating persons on how to eat healthier or be more physically active, but addressing the underlying determinants of health and the environmental conditions that enable it. As well, there is an understanding of people and their mental health promotion and motivation to take care of themselves and their families.

Dr. Arlene King, a director from the Public Health Agency of Canada, further emphasized this point, arguing:

> We need to have a robust public health system there every day to deal with the day-to-day challenges and all emergencies and issues that come forward such as pandemic influenza.

What emerged from that meeting was the need to strengthen our overall public health system. This would enable us to deal with another SARS, a possible pandemic, or any other health-related emergency that might come our way.

The fact is we need to be prepared for what lies ahead. I am pleased to say that our government is doing all that it can to ensure that we are in that state of readiness.

Honourable senators, I point to the strong support for public health demonstrated in the first budget tabled by this government last month. Some $1 billion over five years was earmarked to improved pandemic preparedness. This initiative received strong support from the medical community, including the Canadian Medical Association whose President, Ruth Collins-Nakai, described it as, "...the budget highlight for the CMA."

The budget also included $52 million a year for the Canadian Strategy for Cancer Control. It showed that the government would be investing in the determinants of health, with a $500 tax credit for physical fitness programs for children, a tax credit for public transit, $800 million for affordable housing, and $450 million to improve our water quality and education on the reserves. This is funding that will produce real results in Canada.

It does take more than dollars to build a strong and secure public health system. Public health concerns all levels of government. It involves various agencies working in the area of health. It touches organizations around the world. By working together effectively and cooperatively within this country, we can help protect and promote the health of all Canadians.

• (1720)

Honourable senators, Bill C-5 is focused on solidifying just that kind of cooperation. The preamble of the bill states the Government of Canada "wishes to promote cooperation and consultation in the field of public health with provincial and territorial governments..."

It goes on to say that it also "wishes to foster cooperation in that field with foreign governments and international organizations, as well as other interested persons or organizations."

In other words, Canada will do its share to promote global good health and construct the global safety net to prevent pandemics.

The bill itself contains three key elements that will help to strengthen this nation's public health system.

First, it establishes the public health agency of Canada as a departmental entity separate from Health Canada but still part of the health portfolio.

Honourable senators will recall that this model was recommended by the special reports. As the Senate committee reported, this model offers sufficient flexibility to allow for the development of a cooperative working relationship between the new agencies, other levels of government and the various professions involved in health protection.

In this departmental model, the agency becomes a key player in our federal system, able to help inform and shape public policy. This structure allows the agency to work more seamlessly with other federal departments in support of a coordinated and integrated approach to addressing public health issues and emergencies.

Secondly, this bill creates the position of the chief public health officer, as deputy head to the minister of the agency. This officer is accountable to the Minister of Health on the daily operations of the agency and advises the minister on public health matters. The chief public health officer is also required to table in each House of Parliament an annual report on the state of public health in Canada.

This officer is also Canada's lead public health professional. The officer will have authority to communicate directly with Canadians and to prepare and publish reports on any public health issue. The officer is required to have demonstrated expertise and experience in the field, which gives the credibility needed to engage governments, organizations, and the people of Canada.

I am pleased that the person who currently holds the position, Dr. David Butler-Jones, is exceedingly well qualified and up to the task being asked of him.

Thirdly, the bill creates the specific regulation-making authorities that enable the collection, management and protection of health information. This capability will ensure that the agency gets the health information it needs to fulfil its mandate. Regulation-making authorities will set up parameters around information gathering and use its compliance with the Canadian Charter of Rights and Freedoms and the Privacy Act and be consistent with federal, provincial and territorial privacy laws.

If the SARS experience taught us anything, it was that access to timely and accurate information is crucial. This aspect of the bill will help ensure that access to information will happen.

Honourable senators, this bill is a critical part of the ongoing improvement that this government will make to strengthen our nation's public health system. Passing this legislation will ensure that the chief public health officer is an independent, credible voice on public health. It is something that I felt our country needed for a long time, since we have not had the equivalent of a Surgeon General. It gives greater visibility to the issues and threats that will inevitably arise in the area of public health and is a crucial step in strengthening our public health and health care systems.

Passing this legislation will also support the Public Health Agency of Canada as it continues to promote and protect the health of Canadians through the leadership it provides and has provided since it was first created.

I urge the chamber to act quickly and support the passage of this bill.

On motion of Senator Fraser, debate adjourned.

[*Translation*]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I request that Item No. 16 on the Order Paper be called, which is a Public Bill, S-218, in the name of Senator Tkachuk.

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY IMPACT OF CANADA'S AGING POPULATION

Leave having been given to revert to Notices of Motion:

Hon Sharon Carstairs: Honourable senators, I give notice that I will move:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact on our Canadian society of our aging population in particular the impact on seniors. The study will include:
>
> (*a*) the range of public services now provided to seniors;
>
> (*b*) the gaps which currently exist in these services;
>
> (*c*) the implications for both service delivery systems and costs as the number of people eligible for these services increases as a percentage of the population;
>
> That as a result of this examination the Committee recommend policy changes which need to be made now by the government so that the required services will be available to seniors for the foreseeable future;
>
> That the Committee review strategies other OECD countries have adopted to deal with the issue of caring for their aging population, as well as Canada's obligations in light of the 2002 Madrid International Plan of Action on Aging;
>
> That the Committee consider the full range of services involved in caring for seniors including, but not limited to, the following:
>
> a. All aspects of health care, including home care, institutional-based care, mental health services, prescription drug services, chronic care diseases, palliative care;
>
> b. Health promotion;
>
> c. Injury prevention;
>
> d. Income support;
>
> e. Housing;
>
> f. Transportation
>
> g. Ways to help seniors live a fulfilling existence;
>
> And that the Committee present its final report to the Senate no later than December 31, 2007.

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill S-218, to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism).—(*Honourable Senator Tkachuk*)

He said: Honourable senators, I rise today to speak to Bill S-218, to amend the State Immunity Act, as well as making important and essential amendments to the criminal code to enable victims of terrorism to be awarded civil remedies.

I am sorry I have to give this speech today rather than yesterday. I was on the schedule for yesterday, but due to unforeseen circumstances, I was not able to be here. Senator Grafstein was to second the bill. I wanted honourable senators to know because he and I discussed it. He will speak on it at the next sitting of the legislature.

I do not think I could start better than by quoting David Hayer, a member of the B.C. Legislative Assembly and Parliamentary Secretary for Multiculturalism and Immigration.

• (1730)

Mr. Hayer's father, due to testify on the Air India matter, was killed by an act of terrorism. In an article in the *National Post*, Mr. Hayer wrote:

> This insidious cancer that is terrorism is all pervasive. No matter where we live, no matter our nationality, it touches us all in varying degrees of tragedy.
>
> And like cancer, so far there is no cure.

Many honourable senators will recall that during the last session of Parliament, I presented Bill S-35 on May 18, 2005, which also made amendments to the State Immunity Act and the Criminal Code, arising from my commitment to do what I can to recognize and assist victims of terrorism.

Bill S-218 is an important improvement upon Bill S-35. Like Bill S-35, amending the State Immunity Act as soon as possible will help to fulfil the commitment Canada has already made and signed on February 15, 2002. Through UN Security Council resolution 1373, Canada ratified and agreed to comply with its commitment to the International Convention for the Suppression of the Financing of Terrorism. This UN Security Council resolution reaffirms that international terrorism constitutes a threat to international peace and security and the importance of

the need to combat, by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts.

Further, Article 2 of the convention obligates Canada, as a signatory, to take the necessary measures against any person that, by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with an intention that they should be used or in the knowledge that they are to be used in full or in part in order to carry out offences under the convention.

All signatories to the convention are obligated to take all practicable measures to prohibit in their territories illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences as set forth in the convention.

The second essential component of the bill recognizes the ability for courts to rule on civil remedies in the case of terrorist acts and the resulting impact on victims. This requires making a change to the Criminal Code of Canada similar to an existing provision for claims in the case of a wrongful death, which makes sense.

If someone can be criminally liable, they should also be civilly liable. Bill S-218 will allow civil claims against foreign states which sponsor terrorist entities, something that also will then ensure Canada is complying with its international commitments. In doing so, this bill creates an important tool for Canadians who have been victims of terrorist acts.

This proposed legislation is driven by the fact that Article 5 of the UN convention states that liability under the convention may be criminal, civil or administrative. In addition, Article 5 states that each state party shall ensure that legal entities liable in accordance with provisions of the convention are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions that may include monetary sanctions. Bill S-218 takes Canada's commitment and enacts it within our legal system.

Honourable senators, Bill S-218 provides an instrument for families who lost loved ones on September 11. The incredible losses suffered by so many in the United States often overshadows Canada's own tragic losses during 9/11 when 25 Canadians were killed. Their families would, under this bill, be allowed to pursue the attackers civilly. My legislation is written in such a way that judges ruling on cases that have occurred in the past would also be able to acknowledge this as a legal avenue.

In June 1985, 331 people died following the crash of Air India flight 182. There were 154 Canadians on that flight whose families to this day have still not seen justice on what is still the most horrific terrorist attack against Canadians. Although, today, symbolically and properly, the inquiry announced by Prime Minister Stephen Harper into the Air India tragedy began its work.

Honourable senators, terrorism has many components. It requires planning, staging and people and, most important, it requires money. In its 2005 annual report, the Financial Transactions and Reports Analysis Centre of Canada identified over $180 million in transactions that were thought to be linked to terrorist activity.

Amending the State Immunity Act, which was first enacted in 1982, will protect Canadians both at home and abroad who may fall victims to terrorism. The premise behind the amendments is that many terrorist groups are linked to foreign state sponsors. This means that these states utilize their vast sovereign powers and resources to finance and sponsor acts of terrorism such as hijacking, kidnapping, bombing extradition, killing or military attacks directed at innocent citizens. In addition, these states harbour terrorist groups and permit them to openly recruit and train new ones often with state resources.

Currently under the State Immunity Act, Canadian victims of terrorism and their families have little or no recourse against these state sponsors. By amending the State Immunity Act, we will give the victims and their families an opportunity to fight back; an opportunity to obtain some measure of justice and closure for their lives.

Historically some states granted foreign states absolute immunity from civil suits. However, with the increase in transnational commercial activity, this blanket immunity changed. Canada's State Immunity Act allows civil suits in respect of commercial activities of foreign states. This permits Canadians to bring claims in Canada against foreign states for breach of contract, and other breaches of commercial duties, thereby decreasing a foreign state's immunity in this area.

The amendment to the State Immunity Act that is being put forward in Bill S-218 is also designed to act as a deterrent to state-sponsored terrorists by instilling in them the need to balance the benefits of sponsorship against the fear of large monetary liability judgments.

Currently, foreign states escape civil liability for their sponsorship of terrorism, but are liable for redress for a breach of a commercial contract under the State Immunity Act. It only makes sense that this act be amended to reflect the dangers and violent troubles of the world in which we now live.

When the Canadian government became aware of the damages that Canadians face through the breach of commercial contracts, it ensured that the State Immunity Act did not include absolute immunity with regard to commercial activities. The same must be done to combat the state-sponsored terrorism that exists today to prevent foreign states that engage in terrorist activity from claiming immunity from the jurisdiction of the Canadian courts. This is an important principle because it permits Canadian courts to obtain both subject matter and personal jurisdiction over foreign states that sponsor terrorist activity. Therefore, foreign states would be made accountable for their actions and would not be able to shield themselves from liability and civil suits through the cloak of the State Immunity Act.

I hope that by making a foreign state accountable and financially liable for its actions taken in support of terrorism the passage of this amendment will give pause to traditional state sponsors of terrorism.

Bill S-218 also makes the following important additions: First, the limitation period with respect to terrorist attacks would not run while the victim is incapable of commencing a proceeding due to his physical, mental or psychological condition or is unaware

of the identity of those responsible; second, any court of competent jurisdiction would give full faith and credit to a judgment of any foreign court in favour of a person who has suffered loss or damage from terrorist activity which is prohibited under the Criminal Code.

Bill S-218 also responds to the Government of Canada report of February 12, 2004, in its response to the Counterterrorism Committee of the United Nations Security Council that, to date, Canada has not taken any specific judicial action against a non-profit based or on alleged or suspected involvement in the financing of terror.

Our government is only too aware of the increase in terrorist activity globally and within our borders. In its report to the Security Council, the Government of Canada reported that FINTRAC had received a total of 17,197 suspicious transaction reports between 2001 and 2003. In April 2002, Canada reported to the Security Council that Canadian financial institutions had frozen $360,000 of suspected terrorist assets in 20 accounts. FINTRAC's 2004 annual report, however, reported $70 million in transactions suspected of being linked to terrorist activity financing and threats to the security of Canada. As I mentioned earlier, this amount has doubled in the most recent annual report. FINTRAC has traced up to $180 million in funds linked to terrorism between 2004 and 2005.

• (1740)

While the proposed legislation is intended to enable victims to fight back, the definition of "victims" needs to be clarified. The proposed amendment sets out in law who victims are, that they are not only those killed or injured by terrorism, but also family members directly impacted by such acts. Victims would include those who were physically, emotionally or psychologically injured by the terrorist acts and their family members.

In the past, the Government of Canada has acknowledged that there is no civil liability in tort for criminal offences related specifically to terrorism. Therefore, this needs to be rectified through an amendment to the Criminal Code. I must reiterate an important rationale for my proposed legislation. Canada has already made an international commitment by signing the 1999 International Convention for the Suppression of Terrorist Financing and the UN Declaration on Measures to Eliminate International Terrorism. In both the convention and the declaration, the language is clear; it encourages states to review urgently the scope of existing international legal provisions on the prevention, repression and elimination of terrorism with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter. Bill S-218 would enact Canada's commitment.

When I spoke to Bill S-35 in the last Parliament, I referred to Maureen and Erica Basnicki, the wife and daughter of Ken Basnicki of Toronto, who were among those killed in the attacks on the World Trade Center and Ron Goldberg, whose brother was killed by a Palestinian suicide bomber two years ago in Israel. These and too many other individuals were either killed in terrorist acts or were left behind by those who were killed in these attacks. All of these individuals are victims who should have at their disposal the legal tools to enable them to take action against the attackers and the attacks they have suffered.

I have said in the past that many Canadians believe that terrorism is something that happens elsewhere, to someone else, and that Canada is insulated from terrorism. Many Canadians no longer believe that, which makes our task all the more urgent, appropriate and timely with respect to Bill S-218 and all proposed legislation dealing with global terrorism.

The war we are fighting today is not between trained members of different militia representing different nations who have exhausted all other means of negotiation. The war being fought today is against our civilians, who individually stand no chance against terrorists sponsored by their states. The shameful and merciless tactics of terrorists not only attack innocent civilians, but also our very way of life with only the intent to destroy. The proposed legislation enables a levelling of the asymmetric playing field between terrorists and civilians. Canadian legislators have a responsibility to deal with terrorists within our borders and also to send the strong message to those working in other nations who wish to harm the citizens within our borders.

Honourable senators, we are unwillingly caught fighting an unconventional war that we must fight. On behalf of civilians worldwide who are the focus and preferred target of terrorists, and the civil society we hold so dearly, we must respond and fulfil our commitments to the United Nations and to our citizens. Terrorism threatens our democracy and way of life, but we can fight back by attacking the means of support and the financing of terror.

Financing and supporting terrorism in any way are crimes under international law and are not entitled to immunity when claimed to be a sovereign act of state. We have every right and, I dare say, an urgent need to implement the amendments found in Bill S-218.

In the name of our families and future generations, in the name of those who are fighting on behalf of Canada today and those who have already fought and lost so much to this global threat, and finally in the name of our own beliefs, I ask honourable senators to study Bill S-218 further and come to the same conclusion that I have reached, that Bill S-218 should become law as one strike against terrorism and the threat of terrorism.

Hon. Daniel Hays (Leader of the Opposition): Would the honourable senator take a question?

Senator Tkachuk: Yes.

Senator Hays: I was reading the bill as the honourable senator was speaking and I should like to know the genesis of the bill. I believe that the honourable senator explained the incident as an illustration of what he thought was an injustice and the rationale of the time that we live in where terrorist acts have become a plague that we have to address.

My question concerns the enforcement of judgments. Clause 83.34(3) of the bill purports to deal with this by saying that any court of competent jurisdiction shall give full faith and credit to a judgment of any foreign court in favour of a person who has suffered loss or damage as a result of conduct contrary to any provision of this Part.

Could the honourable senator comment on the enforcement of judgments that plaintiffs obtain in Canada as a result of a terrorist act as defined in accordance with this measure? Would a judgment be subject to the Reciprocal Enforcement of Judgments Act with the country where the immunity is suspended? How would that work? Enforce a judgment against a country could be difficult. There may be assets within Canada that could be seized. Perhaps the honourable senator and the drafters of the bill have that in mind.

Senator Tkachuk: A judgment could be enforced against states that have money in Canada. If the money is elsewhere, it would be more difficult. In the United States, when a judgment is found, the assets of that country within the United States can be frozen or seized. It is my view that the same thing could happen in Canada.

Senator Hays: Is the honourable senator referring to the Alien Torts Act in the United States, which is not confined to terrorism, but to torts generally?

Senator Tkachuk: As victims of terrorism, Americans can sue foreign governments.

Senator Hays: This item will be on the agenda and I will investigate further. I will ask Senator Grafstein a few questions as well because I believe this matter will be adjourned in his name.

Hon. Marcel Prud'homme: Honourable senators, Bill S-218 looks short, but it is of immense importance. Am I correct in my understanding that there would be no statute of limitations? Would the scope of the bill be retroactive or would it take effect as of the date that the bill passes?

Senator Tkachuk: Retroactivity is to move backward, but this bill is retrospective. That means that a judge would have the right to decide whether the suit initiator in a case stemming from the events of 9/11, for example, has the right to do so. That determination would be made by a judge and is not automatic in the proposed legislation.

Senator Prud'homme: I was shocked recently to learn that a certain group wants to sue Mr. Henry Kissinger for committing war crimes.

He does not go to Paris because he is afraid that he will be subpoenaed at the airport when he arrives.

• (1750)

People have asked me how to proceed. I was totally surprised when they spoke about the actions of the Chilean government, considered a terrorist regime under Pinochet, where, most likely, Secretary Kissinger was involved.

I am trying to get away from the honourable senator's example of the Middle East. I will not talk about these people. I will choose another example of people who have been following over the last two months our activities in the Senate much more than they are following the activities of the House of Commons. It concerns the same person having been involved in war crimes and terrorism, according to them, perpetrated in Cambodia and Laos. This goes back a long time. These acts, considered in some countries as almost state terrorism, were perpetrated by people who are still alive and living in the United States.

Before I was excluded from running for the IPU, I had the honour of being elected internationally to preside over the political committee of the IPU. I never missed being chairman of the political committee, studying all the matters that no one wanted to touch, one of which was terrorism. Parliamentarians could never agree on a good definition of terrorism.

The honourable senator will see that he has opened up the avenues of good consultation and debate. I am sure that during the debate these questions will come up. If the debate reaches the committee level, we will hear from witnesses. In the meantime, I will not push my question. The honourable senator has opened up unforeseeable avenues.

Senator Tkachuk: What was the question? Or was it just a comment?

Senator Prud'homme: You could comment on my comment.

The Hon. the Speaker: Further debate?

On motion of Senator Fraser, debate adjourned.

STATUTES REPEAL BILL

THIRD READING

Hon. Tommy Banks moved third reading of Bill S-202, to repeal legislation that has not come into force within ten years of receiving royal assent, as amended.—(*Honourable Senator Banks*)

He said: Honourable senators, I rise to speak only so that the record shows that at some point I said something about this bill other than that I move second reading of the bill.

It is a great pleasure to move third reading of the bill, which I have brought to senators' attention and have stood here and discussed many times. I want to express my appreciation for the great assistance I have received, to this point, from senators on all sides in making the bill more efficacious, I hope, than it was in its original form. I urge that honourable senators support passage of this bill at third reading.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Hold on. Senator Segal had wanted to speak to this bill.

The Hon. the Speaker: I am afraid the chair asked for the question and senators said "question," so I put the question.

Senator Comeau: My intention was drawn away for a moment.

Senator Prud'homme: I am responsible.

Motion agreed to and bill read third time and passed.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 22, 2006

Mr. Speaker,

I have the honour to inform you that the Honourable Rosalie Silberman Abella, Puisne Judge of the Superior Court of Canada, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 22nd day of June, 2006, at 5:36 p.m.

Yours sincerely,

JoAnn MacKenzie
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Thursday, June 22, 2006

An Act to amend the Agricultural Marketing Programs Act (Bill C-15, *Chapter3, 2006*)

An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 (Bill C-13, *Chapter 4, 2006*)

[*English*]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I see it is close to 6 p.m. What is the will of the house? Shall I leave the chair, to return at 8:00?

Hon. Gerald J. Comeau (Deputy Leader of the Government): We suggest, Your Honour, that you not see the clock.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Moore, for the second reading of Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes).—(*Honourable Senator Oliver*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Question?

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Moore, that this bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Ringuette, bill referred to the Standing Senate Committee on National Finance.

• (1800)

LIBRARY OF PARLIAMENT

FIRST REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Joint Committee on the Library of Parliament (mandate of the committee and quorum), presented in the Senate on June 13, 2006.—(*Honourable Senator Trenholme Counsell*)

Hon. Marilyn Trenholme Counsell moved that the report be adopted now.

Motion agreed to and report adopted.

[*Translation*]

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and

Communications, entitled *Final Report on the Canadian News Media*, presented in the Senate on June 21, 2006.—(*Honourable Senator Bacon*)

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND ENGAGE SERVICES—
STUDY ON STATE OF HEALTH CARE SYSTEM—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Social Affairs, Science and Technology, (budget—study on state of health care system—power to hire staff) presented in the Senate earlier this day.

Hon. Wilbert J. Keon moved adoption of the report.

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND ENGAGE SERVICES—STUDY
ON CANADIAN ENVIRONMENTAL PROTECTION ACT—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on Canadian Environmental Protection Act—power to hire staff), presented in the Senate earlier this day.

Hon. Tommy Banks moved the adoption of the report.

Motion agreed to and report adopted.

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET AND ENGAGE SERVICES—
STUDY ON CURRENT STATE OF MEDIA INDUSTRIES—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Transport and Communications (*Budget—Study on Current State of Media Industries—Engage Services*) presented in the Senate earlier this day. (*Honourable Senator Bacon*).

Hon. Lise Bacon moved adoption of the report.

Motion agreed to and report adopted.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (budgets of certain committees), presented in the Senate earlier this day.

Hon. George J. Furey moved the adoption of the report.

Motion agreed to and report adopted.

HUMAN RIGHTS

BUDGET AND ENGAGE SERVICES—STUDY ON LEGAL
ISSUES AFFECTING ON-RESERVE MATRIMONIAL
REAL PROPERTY ON BREAKDOWN OF MARRIAGE
OR COMMON LAW RELATIONSHIP—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Human Rights (budget—study on legal issues affecting on-reserve matrimonial real property on breakdown of marriage or common law relationship—power to hire staff), presented in the Senate earlier this day.

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND ENGAGE SERVICES—
STUDY ON ISSUES RELATED TO NATIONAL
AND INTERNATIONAL HUMAN RIGHTS
OBLIGATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Human Rights (budget—study on issues related to national and international human rights obligations—power to hire staff), presented in the Senate earlier this day.

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

BUDGET AND ENGAGE SERVICES—STUDY ON CASES
OF ALLEGED DISCRIMINATION IN HIRING AND
PROMOTION PRACTICES AND EMPLOYMENT EQUITY
FOR MINORITY GROUPS IN FEDERAL PUBLIC
SERVICE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Human Rights (budget—study on cases of alleged discrimination in hiring and promotion practices and employment equity for minority groups in federal public service—power to hire staff), presented in the Senate earlier this day.

Hon. A. Raynell Andreychuk moved the adoption of the report.

Motion agreed to and report adopted.

FUNDING FOR TREATMENT OF AUTISM

INQUIRY—REFERRED TO SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Munson calling the attention of the Senate to the issue of funding for the treatment of autism.—(*Honourable Senator Johnson*)

Hon. Wilfred P. Moore: Honourable senators, my colleague Senator Munson could not be here today. He is at his son's graduation.

REFERRED TO COMMITTEE

Hon. Wilfred P. Moore: In the absence of Senator Munson, I move:

> That the Inquiry on the issue of funding for the treatment of autism be referred to the Standing Senate Committee on Social Affairs, Science and Technology for study and report; and
>
> That the committee submit its final report no later than November 30, 2006.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

Leave having been given to revert to Other Business, Senate Public Bills Item No:. 15:

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-207, to amend the Criminal Code (protection of children).—(*Honourable Senator Comeau*)

Hon. Ethel Cochrane: Honourable senators, I rise to speak to Bill S-207, a bill introduced by Senator Hervieux-Payette regarding the protection of children. This bill was before us in the last parliament as Bill S-21 and was being studied by the Standing Senate Committee on Legal and Constitutional Affairs when the government fell. It is also the ninth time that a piece of legislation dealing with protection of children has been introduced in this way.

Svend Robinson sponsored the first bill in the other place in 1994. Honourable senators may recall that Senator Carstairs introduced a similar bill, Bill S-14, in 1996. All of these bills were the initiative of individual parliamentarians, either private or public bills. Until Senator Hervieux-Payette's bill was discussed at committee last spring, none of these bills made it beyond second reading, indicating a lack of government support.

Bill S-207 is straightforward. It contains only two clauses. The first clause repeals Section 43 of the Criminal Code. The second clause specifies that the act would come to force one year after the day it receives Royal Assent.

Senator Hervieux-Payette believes, as do others, that the only way "to pursue the fight against physical violence against children" is to remove this particular section of the criminal code.

While I applaud the fundamental intention of the bill, I respectfully disagree with this approach. I do not condone violence against children. The Conservative Party of Canada does not condone violence against children, either. Frankly, honourable senators, I believe all of us would stand together in a universal declaration that violence against children is wrong. However, violence is not what is being discussed here.

Let us look for a moment at section 43 of the Criminal Code.

• (1810)

This is what it states:

> Every schoolteacher, parent, or person standing in the place of a parent, is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

Section 43 creates a defence against a charge of assault, or the non-consensual application of force to another person. Bill S-207 would remove that defence. The effect would be that using force would become an illegal or criminal activity. The crux of this section is the use of non-consensual force to correct behaviour in a child. Senator Hervieux-Payette used a strong definition of "correct" that came from Webster's Dictionary. Let me offer one that comes from the Concise Oxford Dictionary, which defines "correct" as "to set right, admonish."

In her speech, the honourable senator equated the word "correct" with "corporal punishment." I believe this is unfair, as I think we can all agree that the meaning of the word "correct" has a much broader application.

As honourable senators are aware, the matter of whether this section of the Criminal Code is constitutional or not was decided by the Supreme Court of Canada in January 2004. The section was challenged on whether it failed to give procedural protection to children; did not further the interests of children; was unconstitutionally vague; constituted cruel and unusual punishment; and violated children's equality with adults.

The short answer provided by the highest court in the land was that the law does not violate the Charter on any of these points. Specifically, the Supreme Court decision found that this section ensures that the Criminal Code does, in fact, apply in cases where there is any use of force that harms a child.

Honourable senators, while I do not want to outline all of the arguments from a 64-page decision, I would like to quote several key passages that deal with some of the questions raised. On the matter of the supposed vague wording of "reasonable under the circumstances," the court stated:

> While the words "reasonable under the circumstances" on their face are broad, implicit limitations add precision. Section 43 does not extend to an application of force that results in harm or the prospect of harm. Determining what is "reasonable under the circumstances" in the case of child discipline is assisted by Canada's international treaty obligations, the circumstances in which the discipline occurs, social consensus, expert evidence and judicial interpretation.

Honourable senators, the court further explained that

> When these considerations are taken together, a solid core of meaning emerges for "reasonable under the circumstances..."

On the matter of children's equality with adults, the court stated:

> While children need a safe environment, they also depend on parents and teachers for guidance and discipline to protect them from harm and to promote their healthy development within society. Section 43 is Parliament's attempt to accommodate both of these needs. It provides parents and teachers with the ability to carry out the reasonable education of the child without the threat of sanction by the criminal law.

Furthermore, the court explained, and this is crucial to the balance that must be established by our laws:

> Without section 43, Canada's broad assault law would criminalize force falling far short of what we think of as corporal punishment. The decision not to criminalize such conduct is not grounded in devaluation of the child, but in a concern that to do so risks ruining lives and breaking up families

These risks, if realized, create a burden that falls on the shoulders of children and, said the court, "outweigh any benefit derived from applying the criminal process."

Just to remind honourable senators about how broad Canada's assault law is, I would like to point to section 265(1) of the Criminal Code. It states:

> A person commits an assault when
>
> (*a*) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
>
> (*b*) he attempts or threatens, by an act or gesture, to apply force to another person. This occurs of he has — or even if he causes that other person to believe upon reasonable grounds that he has — the ability to use force; or
>
> (*c*) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Using this definition, it is quite conceivable that directing a non-compliant child to take a time out, or buckling a child into a car seat who does not want to be buckled in, could be considered assault.

In its decision, the Supreme Court clarified the less precise parts of section 43. It deemed that correction must not be the result of the caregiver's frustration, loss of temper or abusive personality; correction must not be punitive and must not focus on the gravity of the child's wrongdoing; the child must not be incapable of learning because of disability or some other contextual factor; force must not be used against a child under two years or over 12 years of age; force must not involve the use of objects or slaps or blows to the head; or force must not cause bodily harm or raise a reasonable prospect of bodily harm and be of a minor, transitory and trifling nature.

In this majority decision, the Supreme Court dealt very clearly with a matter that had been winding its way through our legal system since 1998.

However, Senator Hervieux-Payette did not agree. In her speech on May 11, 2006, she stated:

> The majority of the Justices made a discriminatory decision that only children aged two to 12 could be subjected to corporal punishment, even though such actions would be considered assault for the rest of the population. As legislators, we cannot give others the power to decide what is "force [that] does not exceed what is reasonable under the circumstances."

I would hardly call the Supreme Court's decision discriminatory. I would also disagree that equating "correction" with "corporal punishment," as I mentioned before, is correct.

Let us look at what the court has said about corporal punishment, specifically as relates to teachers:

> Contemporary social consensus is that, while teachers may sometimes use corrective force to remove children from classrooms or secure compliance with instructions, the use of corporal punishment by teachers is not acceptable. Many school boards forbid the use of corporal punishment and some provinces and territories have legislatively prohibited its use by teachers.

In fact, the Canadian Teachers' Federation opposes the use of corporal punishment. It does, however, support the retention of section 43, because, as stated on its website:

> It provides a shield to various classes of persons, including teachers, when the use of force by way of correction is justified.

The Canadian Teachers' Federation further states:

> Section 43 remains an essential protection for both students and teachers because it does not apply exclusively to corporal punishment, which the Canadian Teachers' Federation opposes.

The CTF lists several incidents of non-corporal punishment that involve the use of force. These are incidents that I know are all too familiar to my fellow teachers. They include protecting students and teachers if a fight occurs, including restraining students if needed; escorting uncooperative students to the principal's office; removing disruptive students who refuse to leave the classroom; placing a young student on a bus who refuses to board that bus, especially when on a field trip — you have to put the child on the bus; what else can you do? Who knows what would happen if you left the child there. It also includes restraining a cognitively impaired student, which I know has happened, and intervening in a difficult situation to prevent it from escalating.

Honourable senators, I believe repealing section 43 of the Criminal Code would be a mistake. It risks criminalizing parents and teachers for engaging in the behaviours I have just described, which could be criminalized.

However, let me turn for a moment to the second clause of this bill, which would see the act come into force one year after it is passed. My understanding of Senator Hervieux-Payette's rationale for this is to ensure that there is adequate time to educate Canadians on alternatives to the use of corporal punishment — not necessarily the use of force, but corporal punishment. I could not agree more on this point. Education is the key. I believe it could motivate real social change.

• (1820)

I have always marvelled at the societal pressure placed on parents to attend prenatal classes. With the utter lack of support for parenting classes, there is almost a sense that only bad parents need parenting classes. One could use that analysis and draw that conclusion.

In truth, giving birth is the easy part. I have had six children myself. I know exactly what is involved in raising a child to adulthood. It is difficult. Any help in this task has value for the child, the family, and society as a whole. I suggest that offering real support to parents in the form of education can make a positive difference in people's lives.

However, possibly criminalizing their behaviour, even if it is unintentional, is a serious mistake in my view.

Hon. Sharon Carstairs: Will the honourable senator take some questions?

It did not surprise me when the Supreme Court of Canada rejected the Charter challenge in this particular case. Quite frankly, children are not covered by the Canadian Charter of Rights and Freedoms. It is perfectly reasonable the court would rule they are not covered by this.

I would like to ask the honourable senator whether she sees a significant difference in a ruling that says you cannot use corporal punishment under the age of 2 and you cannot use it over the age of 12. What is the difference between a child who is 23 months old and a child who is 11 years and 11 months old?

Senator Cochrane: I understand where the honourable senator is coming from. All children, from under the age of 2 to over the age of 12, still have reason not to follow the rules.

I do not know where the Supreme Court in the criminal justice system was coming from when it made that decision. Still, I think there should have been a limit placed at least to the age of 12 and maybe older.

I do not know about under the age of 2. I question that. I think from the age of 2 to a higher age would be more beneficial.

Senator Carstairs: The honourable senator and I agree on that. Frankly, I do not believe in corporal punishment for anyone.

I also ask the honourable senator why she did not recognize in her remarks that everyone has the defence under the common law of necessity. When a teacher must physically move a child out of a classroom, she has the ability to use the defence of necessity. When a parent grabs a child to prevent him or her from running across a street, that parent has the defence of necessity.

The honourable senator uses the argument that if we include this provision, we would do away with parents and teachers being able to use reasonable caution and protection of children. I suggest that is not the case.

More importantly, I suggest this provision used to apply to women, it used to apply to mentally defective children and it used to apply to those who worked as apprentices. Why does it now only apply to children?

Senator Cochrane: I think we are becoming more open to these issues at this time because there have been a lot of cases within the school system and the community whereby this issue of force towards children arises.

It is receiving more publicity, we are more open with it now and there have been more cases brought forward in regards to our police and justice systems. It has been brought more to the forefront now than ever before.

On motion of Senator Comeau, for Senator Cools, debate adjourned.

HEALTH

MOTION URGING GOVERNMENT TO PROVIDE LONG-TERM END-OF-LIFE CARE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Joyal, P.C.:

That

Whereas the federal government has a leadership and coordination role, and a direct service delivery role for certain populations, with regards to palliative and end-of-life care in Canada;

And Whereas only 15 per cent of Canadians have access to integrated, palliative and end-of-life care;

Be It Resolved That the Senate of Canada urge the Government to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and meets the needs of Canadians; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Keon*)

Hon. Wilbert J. Keon: Honourable senators, I want to make a few brief remarks in support of this motion. I have prepared remarks, but because of the hour, I will not burden you with a lengthy dissertation.

I want to recognize the tireless efforts of Senator Carstairs over the past 12 years. I have been associated with her on some of that effort. It began back in 1994 following the Supreme Court decision to uphold prohibition against assisted suicide, and I served on a special committee with the honourable senator on assisted suicide and euthanasia.

We subsequently revisited the issue five years later, in 2000, when we conducted another study that focused specifically on assisted suicide. I think all of us became convinced as a result of the previous study that we had to address a specific study focused on palliative care. We all became convinced the missing link was palliative care.

That document quarterbacked by Senator Carstairs was called *Quality End-of-Life Care: The Right of Every Canadian.*

In 2001, Senator Carstairs was appointed Minister with Special Responsibility for Palliative Care, as well as the adviser to the Minister of Health at the time. This appointment was a result of her tireless efforts in that area.

During the same year, the secretariat on palliative and end-of-life care was created at Health Canada. Through that health care secretariat, a Canadian strategy on palliative care and end-of-life was born and that fit with the report of 2000.

In 2003, the federal government created the Pan-Canadian Health Human Resources Strategy to help support improvements to health human resources planning overall, as well as address the whole matter of recruitment and retention of health care professionals.

Out of that effort came assistance to educating future physicians in palliative care and end-of-life. I think this truly tremendous initiative was felt all across the country.

You are all aware that about a year ago, Senator Carstairs again produced her own report on palliative care entitled *Still Not There — Quality End-of-Life Care: A Progress Report.*

Because the hour is late, I would like to emphasize what a tremendous effort and difference she has made in this field. I ask all honourable senators to support her motion.

On motion of Senator Comeau, debate adjourned.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, June 27, 2006 at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, June 27, 2006, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been ***completed****)*

(1st Session, 39th Parliament)

Thursday, June 22, 2006

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22							
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22							
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20							
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance					
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0			

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

CONTENTS

Thursday, June 22, 2006

PAGE

SENATORS' STATEMENTS

Business of the Senate
The Hon. the Speaker . . . 607
Hon. Charlie Watt . . . 607

Aboriginal Day
Hon. Charlie Watt . . . 607
Hon. Gerald J. Comeau . . . 607

Sudan
Violence in Darfur.
Hon. Roméo Antonius Dallaire . . . 607

Mayann E. Francis
Congratulations on Appointment as Lieutenant Governor of Nova Scotia.
Hon. Donald H. Oliver . . . 608

ROUTINE PROCEEDINGS

Foreign Affairs
Budget, Engage Services and Travel—Study on Matters Relating to Africa—Report of Committee Presented.
Hon. Hugh Segal . . . 608

Social Affairs, Science and Technology
Budget and Engage Services—Study on State of Health Care System—Report of Committee Presented.
Hon. Wilbert J. Keon . . . 609

Energy, the Environment and Natural Resources
Budget and Engage Services—Study on Canadian Environmental Protection Act—Report of Committee Presented.
Hon. Tommy Banks . . . 609

National Security and Defence
Budget, Engage Services and Travel—Study on National Security Policy—Report of Committee Presented.
Hon. Colin Kenny . . . 610

Study on Issues Relating to New and Evolving Policy Framework for Managing Fisheries and Oceans
Interim Report of Fisheries and Oceans Committee Tabled.
Hon. Bill Rompkey . . . 610

Transport and Communications
Budget and Engage Services—Study on Current State of Media Industries.
Hon. Lise Bacon . . . 610

Foreign Relations
Budget, Engage Services and Travel—Study on Issues Related to Foreign Relations—Report of Committee Presented.
Hon. Hugh Segal . . . 610

Fisheries and Oceans
Budget, Engage Services and Travel—Study on Issues Relating to New and Evolving Policy Framework for Managing Fisheries and Oceans—Report of Committee Presented.
Hon. Bill Rompkey . . . 611

Transport and Communications
Budget, Engage Services and Travel—Study on Containerized Freight Traffic—Report of Committee Presented.
Hon. Lise Bacon . . . 611

PAGE

Internal Economy, Budgets and Administration
Fifth Report of Committee Presented.
Hon. George J. Furey . . . 611

Banking, Trade and Commerce
Budget and Engage Services—Study on Consumer Issues Arising in Financial Services Sector—Report of Committee Presented.
Hon. Jerahmiel S. Grafstein . . . 612
Budget and Engage Services—Study on Issues Dealing with Demographic Change—Report of Committee Presented.
Hon. Jerahmiel S. Grafstein . . . 613

Aboriginal Peoples
Budget, Engage Services and Travel—Study on Involvement of Aboriginal Communities and Businesses in Economic Development Activities—Report of Committee Presented.
Hon. Hugh Segal . . . 613
Budget and Engage Services—Study on Concerns of First Nations Relating to Specific Claims Process—Report of Committee Presented.
Hon. Hugh Segal . . . 613

Banking, Trade and Commerce
Budget and Engage Services—Study Proceeds of Crime (Money Laundering) and Terrorist Financing Act—Report of Committee Presented.
Hon. Jerahmiel S. Grafstein . . . 614
Budget and Engage Services—Study on Issues Dealing with Interprovincial Barriers to Trade—Report of Committee Presented.
Hon. Jerahmiel S. Grafstein . . . 614

Human Rights
Budget and Engage Services—Study on Legal Issues Affecting On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship—Report of Committee Presented.
Hon. A. Raynell Andreychuk . . . 614
Budget and Engage Services—Study on Issues Related to National and International Human Rights Obligations—Report of Committee Presented.
Hon. A. Raynell Andreychuk . . . 615

Banking, Trade and Commerce
Budget, Engage Services and Travel—Study on Present State of Domestic and International Financial System—Report of Committee Presented.
Hon. Jerahmiel S. Grafstein . . . 615

Human Rights
Budget and Engage Services—Study on Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service—Report of Committee Presented.
Hon. A. Raynell Andreychuk . . . 615
Budget, Engage Services and Travel—Study on International Obligations Regarding Children's Rights and Freedoms—Report of Committee Presented.
Hon. A. Raynell Andreychuk . . . 616

Federal Accountability Bill (Bill C-2)
First Reading . . . 616

PAGE

QUESTION PERIOD

Treasury Board
Federal Accountability Bill—
Amendment Regarding Lobbyist's Right to Appeal Exemption.
Hon. Francis Fox . . . 616
Hon. Marjory LeBreton . . . 617
Federal Accountability Bill—Right of Senators to Introduce Amendments.
Hon. Francis Fox . . . 617
Hon. Marjory LeBreton . . . 617

Human Resources and Social Development
Proposed National Child Care Program.
Hon. Marilyn Trenholme Counsell . . . 617
Hon. Marjory LeBreton . . . 617

International Trade
Proposed Softwood Lumber Agreement.
Hon. Pierrette Ringuette . . . 618
Hon. Marjory LeBreton . . . 618
Hon. Terry M. Mercer . . . 619
Hon. Wilfred P. Moore . . . 619
Hon. Larry W. Campbell . . . 619

Public Works and Government Services
Framework for Procuring Information and Communications Technology.
Hon. Daniel Hays . . . 620
Hon. Michael Fortier . . . 620

Industry
First Nations SchoolNet Programs.
Hon. Robert W. Peterson . . . 621
Hon. Marjory LeBreton . . . 621

Delayed Answer to Oral Question
Hon. Gerald J. Comeau . . . 621

Public Works and Government Services
Framework for Procuring Information and Communications Technology
Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 621

The Senate
Tribute to Departing Pages.
The Hon. the Speaker . . . 622

Point of Order
Hon. Eymard G. Corbin . . . 622
Hon. Gerald J. Comeau . . . 623

The Senate
Amendment to the Constitution of Canada—
Western Provincial Representation.
Hon. Lowell Murray . . . 623

Legal and Constitutional Affairs
Notice of Motion to Authorize Committee to Meet During Sittings of the Senate.
Hon. Donald H. Oliver . . . 624

The Honourable Noël A. Kinsella
Notice of Motion Expressing Congratulations and Confidence in Speaker.
Hon. Serge Joyal . . . 624

PAGE

Immigration Policy
Notice of Inquiry.
Hon. Catherine S. Callbeck . . . 624

ORDERS OF THE DAY

Business of the Senate
Hon. Gerald J. Comeau . . . 624

Budget Implementation Bill (Bill C-13)
Third Reading.
Hon. Jack Austin . . . 625
Hon. Lowell Murray . . . 626
Hon. Pierette Ringuette . . . 627

Federal Accountability Bill (Bill C-2)
Second Reading—Debate Adjourned.
Hon. Donald H. Oliver . . . 628
Hon. Daniel Hays . . . 630
Hon. Norman K. Atkins . . . 631
Hon. Terry M. Mercer . . . 631
Hon. Jack Austin . . . 631
Hon. Anne C. Cools . . . 632
Hon. Michel Biron . . . 632
Hon. Pierrette Ringuette . . . 632

International Bridges and Tunnels Bill (Bill C-3)
First Reading.
The Hon. the Acting Speaker . . . 633

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Continued.
Hon. Norman K. Atkins . . . 633
Hon. Terry M. Mercer . . . 635
Hon. David Tkachuk . . . 636

National Defence Act
Criminal Code
Sex Offender Information Registration Act
Criminal Records Act (Bill S-3)
Bill to Amend—Second Reading.
Hon. Serge Joyal . . . 637
Referred to Committee . . . 640

Pubic Health Agency of Canada Bill (Bill C-5)
Second Reading—Debate Adjourned.
Hon. Wilbert J. Keon . . . 640

Business of the Senate
Hon. Gerald J. Comeau . . . 642

Social Affairs, Science and Technology
Notice of Motion to Authorize Committee to Study Impact of Canada's Aging Population.
Hon Sharon Carstairs . . . 642

State Immunity Act
Criminal Code (Bill S-218)
Bill to Amend—Second Reading—Debate Adjourned.
Hon. David Tkachuk . . . 642
Hon. Daniel Hays . . . 644
Hon. Marcel Prud'homme . . . 645

Statutes Repeal Bill (Bill S-202)
Third Reading.
Hon. Tommy Banks . . . 645
Hon. Gerald J. Comeau . . . 645

PAGE

Royal Assent
The Hon. the Speaker . . . 646

Business of the Senate
The Hon. the Speaker . . . 646
Hon. Gerald J. Comeau . . . 646

Public Service Employment Act (Bill S-201)
Bill to Amend—Second Reading.
Hon. Joan Fraser . . . 646
Referred to Committee . . . 646

Library of Parliament
First Report of Joint Committee Adopted.
Hon. Marilyn Trenholme Counsell . . . 646

Study on Current State of Media Industries
Report of Transport and Communications Committee Adopted.
Hon. Lise Bacon . . . 647

Social Affairs, Science and Technology
Budget and Engage Services—Study on State of Health Care System—Report of Committee Adopted.
Hon. Wilbert J. Keon . . . 647

Energy, the Environment and Natural Resources
Budget and Engage Services—Study on Canadian Environmental Protection Act—Report of Committee Adopted.
Hon. Tommy Banks . . . 647

Transport and Communications
Budget and Engage Services—Study on Current State of Media Industries—Report of Committee Adopted.
Hon. Lise Bacon . . . 647

Internal Economy, Budgets and Administration
Fifth Report of Committee Adopted.
Hon. George J. Furey . . . 647

PAGE

Human Rights
Budget and Engage Services—Study on Legal Issues Affecting On-Reserve Matrimonial Real Property on Breakdown of Marriage or Common Law Relationship—Report of Committee Adopted.
Hon. A. Raynell Andreychuk . . . 647
Budget and Engage Services—Study on Issues Related to National and International Human Rights Obligations—Report of Committee Adopted.
Hon. A. Raynell Andreychuk . . . 647
Budget and Engage Services—Study on Cases of Alleged Discrimination in Hiring and Promotion Practices and Employment Equity for Minority Groups in Federal Public Service—Report of Committee Adopted.
Hon. A. Raynell Andreychuk . . . 648

Funding for Treatment of Autism
Inquiry—Referred to Social Affairs, Science and Technology Committee.
Hon. Wilfred P. Moore . . . 648
Referred to Committee.
Hon. Wilfred P. Moore . . . 648

Criminal Code (Bill S-207)
Bill to Amend—Second Reading—Debate Continued.
Hon. Ethel Cochrane . . . 648
Hon. Sharon Carstairs . . . 650

Health
Motion Urging Government to Provide Long-term End-of-life Care—Debate Continued.
Hon. Wilbert J. Keon . . . 651

Adjournment
Hon. Gerald J. Comeau . . . 651

Progress of Legislation . . . i

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications



LIBRARY
AUG 08 2006
University of Toronto

CANADA

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 28

OFFICIAL REPORT
(HANSARD)

Tuesday, June 27, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, June 27, 2006

The Senate met at 2 p.m., Hon. Wilfred P. Moore (The Hon. the Acting Speaker) in the Chair.

Prayers.

SENATORS' STATEMENTS

VISIT TO UNITED STATES SENATE

Hon. Noël A. Kinsella: Honourable senators, yesterday at this hour, a high honour was accorded to the Senate of Canada on Capital Hill in Washington, D.C. Together with the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, the Honourable Donald Oliver, and the Chair of the Standing Senate Committee on National Security and Defence, the Honourable Colin Kenny, we were invited on to the floor of the United States Senate and given a gracious introduction by the President *pro tempore*, Senator Ted Stevens, whilst the Senate was in session.

In coming days a report on this inter-parliamentary delegation led by the Speaker will be tabled.

• (1405)

At this time of the year, as Canadians and Americans prepare to mark our respective national days, I wish to underscore the special bond that exists between our two countries. It was because of this special relationship, the decision was made that the first inter-parliamentary delegation, led by the present Speaker of the Senate of Canada, would be to the Congress of the United States.

I would like to take this opportunity to underscore the distinguished representation, assistance and leadership which Ambassador David Wilkins and Ambassador Michael Wilson are giving to the enrichment of Canada-United States friendship.

As we approach the eve of the respective national days of July 1 and July 4, we might well choose this period to reflect on our generation's stewardship and husbandry of the many blessings that have been bestowed on our two great countries.

Honourable senators, may God continue to bless the people of the United States and the people of Canada.

PROLIFERATION AND MISUSE OF SMALL ARMS AND LIGHT WEAPONS

Hon. Roméo Antonius Dallaire: Honourable senators, every day millions of men, women and children live in fear of armed violence. Every minute, one of them is killed. From the drug gangs of Rio de Janeiro and Los Angeles, to the civil wars and armed rebellions in Uganda and Nepal, conventional weapons are used to do the killing. Small arms and light weapons, in particular, have been described by the UN Secretary-General as "weapons of mass destruction."

The proliferation and misuse of arms take a massive human toll in lost lives. According to a report released by the International Action Network on Small Arms and Light Weapons, small arms are the cause of 60 to 90 per cent of direct conflict deaths.

There are 300,000 child soldiers involved in conflicts due to the availability of these small arms. Women and girls are raped at gunpoint during armed conflict. For example, 15,700 women and girls are estimated to have been raped in Rwanda and nearly 25,000 in Croatia and Bosnia.

There are 640 million guns in the world and 8 million new ones are produced each year. Of these, the majority is in the hands of civilians — in fact, 59 per cent; and 10 to 14 billion rounds of ammunition are produced annually, sufficient to shoot every person in the world at least twice.

The report by the International Action Network on Small Arms and Light Weapons, called *Bringing the Global Gun Crisis under Control*, reveals that the source of the illicit market is the legal trade. The vast majority of these small arms are manufactured, traded and initially owned legally. Many later fall into illegal ownership. Small arms are easy to use, transport and carry across borders and last forever. They are good for at least 100 years; they just do not wear out.

The global arms trade that puts these weapons in the hands of killers and violators is a multi-billion dollar business that is totally out of control. Stricter universal controls on the international movement of weapons are needed to address the rising human and social cost of arms proliferation and misuse.

I invite honourable senators to see the movie *Lord of War*, with Nicholas Cage, which is a solid portrayal of how legal arms trade becomes illegal.

What is Canada's role? An article in *Le Devoir* on April 13, 2006, indicated that Canada is considered a major player in the area of small arms' exports. The article quotes Mr. Epps from Project Ploughshares:

> Canada has recently exported to countries where security forces are accused of grave human rights violations.

The UN review conference of the Programme of Action on Small Arms and Light Weapons is an opportunity for Canada to show leadership. The UN conference, which began yesterday, is a two-week conference. Canada should take a leading role in moving the global principles of international arms transfer; and for each state's authorization, small arms exports should be agreed upon and added to the UN Programme of Action on Small Arms and Light Weapons.

[*Translation*]

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice:

> That, notwithstanding the Order adopted by the Senate on April 6, 2006, when the Senate sits on Wednesday, June 28, 2006, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to Rule 6(1).

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—FIRST READING

Hon. Serge Joyal presented Bill S-219, to amend the Parliamentary Employment and Staff Relations Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Joyal, bill placed on the Orders of the Day for second reading two days hence.

• (1410)

[*English*]

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—FIRST READING

Hon. Consiglio Di Nino presented Bill S-1001, respecting Scouts Canada.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Di Nino, bill placed on the Orders of the Day for second reading two days hence.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING, MAY 5-8, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6) of the *Rules of the Senate*, I have the honour to table in the Senate in both official languages the report of the Canadian Parliamentary Delegation of the Canada-U.S. Interparliamentary Group, forty-seventh annual meeting held in Charleston, South Carolina, May 5-8, 2006.

PRIVY COUNCIL POLICY RESEARCH INITIATIVE ON FRESHWATER, MAY 8-10, 2006—REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6) of the *Rules of the Senate*, I have the honour to table, in both official languages, the report of my participation as Co-chair of the Canada-U.S. Interparliamentary Group, *Freshwater for the Future: Policies for Sustainable Water Management in Canada*, policy research initiative of the Privy Council Office, Gatineau, Quebec, May 8-10, 2006.

DALAI LAMA

NOTICE OF MOTION TO BESTOW HONORARY CITIZENSHIP

Hon. Consiglio Di Nino: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(*i*) of the *Rules of the Senate*, I give notice that later this day I will move:

> That,
>
> Whereas Tenzin Gyatso, the fourteenth Dalai Lama of Tibet, has been recognized with a Nobel Peace Prize, is one of the world's leading champions of peace and non-violence;
>
> Whereas His Holiness will visit Canada from September 9-11, 2006; and
>
> Whereas the Senate of Canada has previously acknowledged historic visits to Canada by other leading champions of human dignity, such as Raoul Wallenberg and Nelson Mandela, by adopting motions granting them honorary "Canadian citizenship";
>
> Therefore the Senate of Canada supports the resolution of the other place to bestow the title, Honorary Canadian Citizen, on his Holiness, the Dalai Lama of Tibet.

• (1415)

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

On motion of Senator Di Nino, notice of motion placed on the Orders of the Day for consideration later this day.

[*Translation*]

QUESTION PERIOD

FINANCE

FISCAL IMBALANCE WITH QUEBEC

Hon. Dennis Dawson: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, the cabinet held a symbolic meeting within the walls of the Citadel in Quebec City. I would like to thank you for promoting the most beautiful city in Canada. I am sure that most of the Minister's

colleagues went to Quebec City to celebrate Saint Jean-Baptiste Day for the first time. Nevertheless, I congratulate them and thank them for celebrating the event.

[*English*]

I am told that the Leader of the Government decided to visit some of her favourite shrines while she was in Quebec City. I have information on what they are, but I will not go too far in that regard. I want to thank her for promoting the city.

[*Translation*]

Still, cutting $807 million from daycare programs in Quebec and over $328 million from funding for the Kyoto Protocol — you cannot be serious.

Will these cuts of over a billion dollars help to relieve the fiscal imbalance with Quebec? With these billion-dollar cuts, is this where the money will come from to correct the fiscal imbalance with Quebec?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I saw Senator Dawson on the aircraft as we were flying in Thursday evening. It was a great pleasure to be in Quebec City, and it was certainly a full, long day of cabinet meetings.

The new government has specific plans for the environment and a new child care policy. As I have said many times in this place, we were not elected to implement the policies of the previous government. We are working over the summer on the environmental policies, as well as the child care policies, the first part of which will be implemented July 1. The next part of the plan, working with industry to develop 25,000 child care spaces, is well under way. We are not planning the environment or child care initiatives, in any way, shape or form, in relation to the fiscal balance of the provinces.

THE ENVIRONMENT

KYOTO PROTOCOL ON GREENHOUSE GAS EMISSIONS—QUEBEC'S STANCE

Hon. Dennis Dawson: As I said before, honourable senators, I was glad to see the cabinet meet in Quebec City. I flew down with half a dozen ministers. I find it ironic that we know more about a cabinet meeting held in Quebec City, behind the walls of the Citadel, than cabinet meetings held here on the second floor.

Considering the nature of the declarations made by Mr. Harper's ministers in the scrum after the cabinet meeting, I understand why he has a tendency of trying to hide ministers following cabinet meetings.

I would like the honourable minister to tell me if there was a secret meeting with Mr. Charest and whether Prime Minister Harper raised the issue of Kyoto and asked that Quebec not publicly blame Ottawa for cancelling Canada's support for the agreement.

Hon. Marjory LeBreton (Leader of the Government): As a matter of fact, as we flew down on that Dash 8 aircraft, there were eight cabinet ministers. Some of the media on the flight mentioned that this was different from the past, when cabinet ministers would have been flying on Challenger jets.

We had a day-long meeting. I am not sure what Senator Dawson is referring to in terms of what cabinet ministers said following the meeting. I know that I did not say anything. However, several cabinet ministers went out and participated in Saint-Jean-Baptiste events that evening and the next day.

The fact that we were meeting in Quebec City was well known. When we meet here in Ottawa, we do not keep the meetings a secret; we just do not issue media releases. Oftentimes meetings are just that: meetings. There is no point in creating expectations when there is really nothing to announce afterwards and no news stories are coming out of it.

• (1420)

PUBLIC WORKS AND GOVERNMENT SERVICES

SUPPORT FOR LE MASSIF DE PETITE-RIVIÈRE-SAINT-FRANÇOIS DEVELOPMENT

Hon. Dennis Dawson: I am happy to know that nothing was discussed, if it was just a meeting. Certainly, following that cabinet meeting nothing was announced neither for Quebec nor for the rest of the country.

[*Translation*]

It was strange to hear the Prime Minister say that he drove by the National Assembly in the national capital and then, suddenly, the concept of nation escapes him. But that is another matter, honourable senators.

Honourable senators, my supplementary question is for the Minister of Public Works and Government Services. Yesterday, Michel Després, Quebec's transport minister and minister responsible for the national capital region, reiterated his support and the support of his government for the Massif de Petite-Rivière-Saint-François project, which has the support of the community and significant financial backing from private partners.

Is the minister prepared to approach his colleague, Minister Lawrence Cannon, who is responsible for Quebec and is also the transport minister, to ensure his support for the transportation portion of this project?

Would it be possible to intervene with the Minister of the Environment or any other minister to obtain the remaining $10 million required to go ahead with this $230 million project that is vital to the economic recovery of this region?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Just to clarify, the meeting in Quebec City was a wrap-up of the issues that we have just completed and the start of the planning for the fall agenda. There was not a lot to announce, as the honourable senator rightly pointed out.

With regard to the question to the Minister of Public Works, I will, on his behalf, take that question as notice.

NATIONAL DEFENCE

LONG-RANGE AIRCRAFT PROCUREMENT— BUSINESS ANALYSIS

Hon. Pierrette Ringuette: My question is for the Leader of the Government in the Senate. Given that your government will buy, without tender, directly from the U.S. government four C-17 cargo airlift planes, I hope that a detailed business analysis has been presented to cabinet before spending more than $3 billion of Canadian taxpayers' money. Given that we already have an agreement with 15 other NATO partners to share in a pool of large, long-distance planes on a per-hour need basis, can the Leader of the Government confirm to me that she has received, before making this expensive decision, the proper business financial analysis?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in response to the honourable senator's question, there have been two announcements, one yesterday in Halifax on the ships and another today on the trucks. They were all costed out, and the benefits to Canada have been made known.

With regard to the honourable senator's question about the aircraft, I will not make any specific comment until there is an announcement.

Senator Ringuette: Therefore, the answer to my question is that, yes, as a cabinet minister, the leader received the proper business analysis to make this decision. Is the answer yes or no?

Senator LeBreton: I was speaking specifically about the details of the ships and the trucks. As the honourable senator and those senators who have been members of cabinet know, I would not in any way, shape or form divulge discussions that are held in cabinet.

Senator Ringuette: I certainly respect the confidentiality of cabinet meetings. However, on February 21, my office sent a request for information to DND as follows: I wanted to know DND airlifting equipment for the past ten years, both leased and purchased, its purpose, its cost by lifts and trips and its contractual suppliers, including the amount of the contracts as well.

That information is definitely the minimum required to prepare a proper business case on this issue.

That was February 21 of this year.

• (1425)

On March 7, DND replied that since the information was not readily available, we had to make the request via the Access to Information Act, which we did.

On April 28, DND advised that it was a big task to complete the research, that it would have cost me, my office, $10,416 and that I would have to make a deposit of $5,205 before they would start gathering the information. As of that date, the information still had not been gathered for proper analysis by DND. I am not a military expert, but I know how to review a business case.

Will the Leader of the Government table in the Senate the business case related to the decision to purchase, without tender, the four C-17 aircraft thereby breaching accountability and transparency to Parliament, without my having to pay over $10,000?

Senator LeBreton: I will not comment on what was referenced in terms of cost. I would simply invite my honourable friend, like all honourable senators have the right to do, to put a question on the Order Paper. Perhaps we could try that route.

HEALTH

INTERNATIONAL HIV/AIDS CONFERENCE— ATTENDANCE OF PRIME MINISTER

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate. It arises as a result of the XVI International AIDS Conference that is to be held this summer in Toronto.

Earlier this month, Kofi Annan spoke on this subject at the United Nations. It has been 25 years since AIDS was first identified. He observed that some 25 million people have died since the actual virus was diagnosed, that 8,500 people die each day as a result of the disease and that some 13,500 become infected.

The Canadian statistic, while it compares well, is alarming. We have some 60,000 people who are infected, 30 per cent of whom do not know they are infected.

By attending this conference, I think the Prime Minister could provide a tremendous lift to its success. Is the Prime Minister in the course of reconsidering his decision not to attend?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it is my information that the Prime Minister is unable to attend. However, our Minister of Health, Tony Clement, and our Minister of International Cooperation, Josée Verner, will both be there.

It is an important conference, and the government takes it very seriously. The Prime Minister may not be able to attend, but he is not the first Prime Minister to be in that situation. I remember that Prime Minister Chrétien also was unable to attend one of the conferences, and I think the government of the day acquitted itself well with respect to the seriousness of HIV/AIDS.

Senator Hays: I read the same material, but mine came from the media and not from a briefing book that Prime Minister Chrétien had not attended. Apparently, Nelson Mandela was not in attendance as a result.

• (1430)

I believe that situation only serves to highlight that there are consequences, when Canada hosts such an important conference about a pandemic that has not been matched, including the

14th century occurrence of the Black Death. We will all know why the Prime Minister did not attend, and it will be observed because of the importance of this issue.

I ask the Leader of the Government to take a message back to the government that this matter is something of the utmost importance; particularly because of the context in which it is being reported. That is, this issue is not being addressed by the government as a health issue but as a social issue, which must be put to rest. The best way to do it will be for the Prime Minister to change his mind and attend this important conference.

Please carry that message back to the government.

Senator LeBreton: First, it is a health issue. The only person who made that claim was the interim Leader of the Opposition in the other place. No one in their right mind would say this is anything other than a health issue.

I do believe that by having two ministers as well as officials from Canada at that conference, Canada's position will be well represented. Canada, in the past and at the present time, is certainly carrying its weight in terms of this serious health issue in the world.

Senator Hays: I have a final comment, and I am sure the Leader of the Government intended to cover it, but will she take this message back from the Senate: Some of us think that it is important the Prime Minister attend, unless he has an irreconcilable conflict.

Senator LeBreton: Yes, Senator Hays, not only will I take the message back but he will undoubtedly get the message because the Prime Minister, to my great surprise, reads the *Debates of the Senate*. When I heard that, I responded that I now have to be really careful about what I say.

In any event, he reads the *Debates of the Senate* and therefore he will undoubtedly get this message almost before I pass it to him.

THE ENVIRONMENT

CUTTING OF ENERGUIDE PROGRAM—COMMENTS BY MINISTER OF NATURAL RESOURCES

Hon. Tommy Banks: My question is addressed to the Leader of the Government. The EnerGuide program, which was introduced by the previous government, was an effective means for individual Canadians, homeowners in particular, to reduce greenhouse gas emissions and save on their energy costs. Thousands of Canadians have made use of that program, its assessment capacities and the financial assistance it provided.

The present government has cancelled the program, along with several other environmental measures and programs that were in place, saying that the EnerGuide program did not fulfil its promise. In *Le Devoir* of June 9, 2006, reports were given that in an appearance before the House of Commons Standing Committee on Natural Resources, the Minister of Natural Resources, the Honourable Gary Lunn, was asked to give the basis on which the government had determined that the program was not working. Mr. Lunn replied, according to the translation, which I have, that he was not able, because of cabinet confidentiality, to provide the reasons for the program's cancellation. "We are under oath," he said, "and I can't reveal any details about this."

Would the Leader of the Government confirm here that it is the government's policy that the reasons and rationale behind these decisions about environmental programs are matters which, for reasons of cabinet confidentiality, will not be revealed to Parliament or to Canadians?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I have stated in answer to a question about EnerGuide in this place before, slightly over 50 per cent of the program costs were in the administration of the program. All the files and all the programs that have to do with the environment, whether they are on greenhouse gases, clean air or clean water are under review and will be considered in the context of the environmental plan that Minister Rona Ambrose will announce early in the fall.

• (1435)

Senator Banks: Honourable senators, I appreciate that and I remember what the honourable leader said about the program. However, my question is not about the program itself. My question is whether it is the policy of the government that the reasons for which it either puts into place, or in this case cancels, programs are matters of cabinet confidentiality and, therefore, on the basis of that reason, which the minister gave in this case, cannot be revealed to Canadians?

Senator LeBreton: Senator Banks, I would have to confer with my colleague, Minister Lunn, to get the full context of his answer before I could make any kind of a statement. When we release our new environmental plan, I am sure it will be obvious why some of the plans of the previous government were changed to bring in the new environmental plan of this government.

I will make inquiries of my colleague, Minister Lunn, to get the full context of his comments. I will try to clarify exactly to what he was referring when he said he could not reveal a cabinet confidence.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I wish to ask a supplementary question of the Leader of the Government.

I note the minister's reference again to what, if I am not mistaken, is the only reason given for the cancellation of the EnerGuide program; some 50 per cent of the funds were used for administration. When this issue was dealt with before, it was in the context of the organization that is in part responsible for the inspections under the program. It was indicated at the time that 11 per cent was spent on administration costs. The balance, taking the figure up to 50 per cent, was for inspections. I assume, although I do not know for sure, that the inspections would relate to an important part of the program. Home inspections would include assessing a home before and after energy efficient improvements were made. The final assessment would confirm whether the improvements produced the EnerGuide program results. Can the honourable senator comment further?

Honourable senators, I have been watching for Delayed Answers to see whether or not the honourable leader would provide additional information as to why she used, and is still using, the figure of 50 per cent. Thus, I raise it again. If the figure is only 11 per cent and other monies are understandably spent for inspections that are needed for such a program, then can the Leader of the Government confirm that is the only reason the program has not been continued? Can the minister give us additional information on the difference between the 11 per cent and the 50 per cent?

Senator LeBreton: Honourable senators, by way of Senator Hays' question, I will certainly ask for more detail. I was reading some material on EnerGuide not long ago. There is a great deal of misinformation on the subject. Many people would get the assessment but could not afford, even with assistance, to spend thousands and thousands of dollars on windows, for example. Even though they received the initial assessment that their homes needed a major upgrade, most people did not pursue the assessment because of the personal cost. There seems to be a lot of inaccurate information concerning the EnerGuide program.

In the cancellation of this program, what the government was simply doing was taking all these programs and more or less having a look at them so that we could start our own environmental programs. If there was a lot of value in a program such as the EnerGuide program, I am certain it would be looked at favourably. I am sure that all the environment and energy issues that cross over will be well addressed when the government releases its environmental plans in the fall.

• (1440)

Hon. Madeleine Plamondon: Honourable senators, my question is about EnerGuide, which is a very good program that is respected throughout the country. I have been in the consumer protection business for 40 years and know that every consumer group respects the program. Having high administrative costs, is not reason enough to scrap the program.

When a new program is created, much money is spent on publicity to make it known. Even if a new program is thought to be better, it will be a long time before consumers recognize it and adhere to it.

I am very disappointed that this program was abolished. We should not throw out the baby with the bath water. Some aspects of it should be reviewed, but the program should not be abolished. If programs are abolished and new ones started every time something goes wrong, Canada will go nowhere.

Senator LeBreton: Honourable senators, I understand that any work started under the EnerGuide program will be completed.

I would be happy to inform the Minister of the Environment and the Minister of Energy of Senator Plamondon's strong views in defence of the EnerGuide program. I am confident that programs that will assist homeowners will be looked upon very favourably when we announce our new policy in the fall.

Senator Banks: Honourable senators, would the Leader of the Government in the Senate ask the government to take into account that Germany has introduced a program based on the One-Tonne Challenge, which is a program also cancelled by the government?

Senator LeBreton: Honourable senators, I am not aware of what is being done in Germany. Of course, Canada's use of energy resources is completely different from that of Germany, including the cost of heating our homes.

I will take that question as notice.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to oral questions raised in the Senate on June 15, 2006 by Senator Hays regarding the Canadian Wheat Board — the possibility of effecting dual marketing and regarding future funding.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—POSSIBILITY OF EFFECTING DUAL MARKETING

(*Response to question raised by Hon. Daniel Hays on June 15, 2006*)

The Government of Canada is committed to allowing western Canadian wheat and barley farmers to choose whether to market their products through the Canadian Wheat Board (CWB). Our commitment that we made during the election is to "Give western farmers the freedom to make their own marketing and transportation decisions. Western grain farmers should be able to participate voluntarily in the Canadian Wheat Board." This government will keep its commitment to the farmers of Western Canada.

The Government's approach on this issue will be evolutionary, and consideration will be given to all legislative and regulatory options to ensure that producers are given the best possible marketing opportunities.

The Government intends to consult producers on how it will proceed in providing them with the choice of how they market their wheat and barley. No decision has been made at this time as to whether that consultation will take the form of a plebiscite.

The CWB's current role in wheat and barley marketing is only one of the issues facing the Canadian grain industry. Given that various policies and legislation that affect the grain industry are currently under review, the federal government sees a unique opportunity to develop an integrated and coordinated approach to grain policy that will enable Canadian farmers to prosper and remain viable in the future.

CANADIAN WHEAT BOARD—FUTURE FUNDING

(*Response to question raised by Hon. Daniel Hays on June 15, 2006*)

This Government has not yet established a position on the Honourable Senator's question on whether capital will be provided to assist the CWB to re-structure to provide farmers who wish to market through the CWB with the option of continuing to do so.

There are a number of important factors to consider on this matter, including the implications for Canada's multilateral and bilateral trade commitments, and the equity of competitive advantages and disadvantages among all stakeholders in the Canadian grain industry.

[*English*]

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, I wish to introduce two of our departing pages Tatiana Sotindjo, who is a native of Ottawa, and the current Deputy Chief Page, is honoured to have served in the Senate of Canada for the past two years.

[*Translation*]

She just completed her Bachelor of Health Sciences at the University of Ottawa. Working at the Senate of Canada has been a privilege and an unforgettable experience. Tatiana will remain in Ottawa this summer and hopes to pursue her studies in health sciences in the years to come.

[*English*]

After three years in the Senate Page Program, the Chief Page, Dustin Milligan, from the charming village of Tyne Valley, Prince Edward Island, is bidding farewell to the Senate of Canada. He is grateful for his experience and is humbled to have led such a wonderful team. He will be spending the summer on the Island before attending law school at McGill University in the fall.

ORDERS OF THE DAY

FEDERAL ACCOUNTABILITY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability.

Hon. Joseph A. Day: Honourable senators, I rise to join in the second reading debate on Bill C-2, which, in part, is stated to be an act providing for measures respecting administrative transparency, oversight and accountability. All of us share the goal of working to ensure the government works well and is accountable, transparent and open to Canadians.

It is a very good thing in our country when Canadians are involved in the democratic process, scrutinizing the actions of their government, getting involved in political parties and contributing to the development of public policy, whether at national party conventions, through letters to their members of Parliament and cabinet ministers appearing before parliamentary committees, or through dialogue with the public servants who draft the policies that will affect them.

As honourable senators will know, the government produced Bill C-2 very quickly. As we are all aware, this bill is a monumental undertaking. Honourable senators have had a chance to look at this bill of some 210 pages and 217 clauses. Prime Minister Harper is seeking to make significant changes that will resonate for many years to come. This bill was prepared in an extraordinarily short time frame. The legislative committee in the other place was told that the bill was drafted in only six weeks. It must be pointed out that a lot of work done under the previous government is reflected in this legislation, such as the work of the Treasury Board Secretariat, led by the Honourable Reg Alcock, with respect to cleaning up the rules that govern the operation of other government departments. Government procurement rules were also under review, led by Walt Lastewka, Parliamentary Secretary to the Minister of Public Works and Government Services.

Those initiatives are reflected in this bill, and many of us will find favour with a lot of the initiatives that have been taken. Nevertheless, six weeks is a very impressive accomplishment. The numerous amendments the government itself introduced in committee and at report stage would lead us to believe that the legislation may have been tabled prematurely, before all the checking had been done. Since hastily drafted legislation often results in bad legislation, our role as a chamber of sober reflection is perhaps even more important for this legislation.

Honourable senators, our job, our constitutional responsibility, is to do our best to make sure that the bill actually accomplishes what it sets out to do. Whether by chance or not, we are presented with a very extensive proposal at the same time as Bill S-4 proposes an eight-year term for Senate appointments. As a result, many of us have been reflecting a great deal on the role of the Senate, those times when we fulfilled our constitutional role best and those instances when perhaps we could have done better.

In reading various scholarly and other articles written on the subject, I have been struck that the examples most frequently cited to demonstrate the valuable contribution of this chamber have been instances when we refuse to accede to the request by the government of the day of whatever political stripe to just trust them and hurry to pass the particular piece of legislation.

Honourable senators, with Bill C-2, we may be embarking on another such episode, particularly when one examines what the governing members of the other place expect us to do with this legislation.

• (1450)

The Prime Minister, on June 22 of this year, in a CTV interview, talking about this bill, which is now in the Senate, stated, with respect to the Senate:

> I think it should go through promptly.

There was no discussion of the important role that we have to play, no request for help in improving on this important piece of legislation, but rather a warning of intense criticism if we hold off on prompt passage.

The other place had its own reasons for the timetable it accepted with respect to this bill. I respect that. As a result, the legislative committee in the other place rushed into hearings and then proceeded to hear witnesses under marathon conditions.

Witnesses were given six minutes — many even less, only three minutes — to make their presentations. Committee members were severely constrained in terms of the time allotted to ask questions, notwithstanding that written submissions by the witnesses were often lengthy and raised a number of important issues.

I read one committee transcript when the chair cut off a witness one minute or so into her submission — literally in mid-sentence — as the committee was behind and needed to make up time to keep to their strict schedule. This witness was from a government department and that was the reason offered by the chair for suddenly abridging her time.

Honourable senators, this bill makes extensive changes that will have a significant impact on our government departments. These witnesses need to be heard on this important bill.

According to a newspaper report, the Public Service Alliance of Canada was initially going to decline an invitation to appear before the committee, because it so strongly disagreed with the strict time allotments provided for witnesses to express concerns about:

> the massive bill, which will significantly affect the work of Canada's bureaucracy.

According to an article in the *Ottawa Citizen* on May 15, 2006, and I quote:

> The union, which represents 130,000 public servants, argues the hearings, conducted under strict time limits, are "window-dressing" and not aimed at getting any meaningful feedback from those affected by the bill.

Honourable senators, I was particularly struck by the following paragraph in that newspaper article:

> Instead, PSAC decided to send in their brief, but save their public presentation for the Senate where "we will get a full hearing" said Mr. Gordon.

Mr. John Gordon is President of PSAC. In the end, he did appear on a panel, the whole of which was rushed in and out in 39 minutes.

At one point, one of the witnesses on that panel stopped during her opening remarks as the chair was laughing as he worked to move the speed of the proceedings along faster. The witness had to point out to the chair that the issues she was raising were very serious ones for her organization.

Honourable senators, that is not how we do things in this chamber or in our committees. I am confident we will do better by the witnesses who are prepared to take the time to appear before us and do their part to make this important proposed legislation the best it can be for Canadians.

Some Hon. Senators: Hear, hear.

Senator Day: Many amendments were made on this bill in the other place — just under 150 amendments at clause-by-clause consideration, and some 23 more at report stage, honourable senators, with hundreds more put forward for consideration. All amendments were debated and voted on under marathon-like conditions both in the committee and in the chamber, where sitting days were specially extended to allow members to compress that huge task into a matter of a few days.

The recent report by Mr. Justice Gomery laid an important foundation for this bill. I was struck that he introduced his recommendations on his publication *Restoring Accountability*, saying:

> As readers will see, the recommendations aim to restore accountability by rebalancing the relationship between the Government and Parliament, and by achieving greater transparency in the operation of government.

Mr. Gomery said that a key failure in the management of the sponsorship program was the failure of Parliament to fulfil its traditional and historic role in that case as watchdog of spending by the executive branch.

Honourable senators, if this legislation is intended to address Mr. Gomery's conclusions, we should be looking for provisions that will strengthen the role of parliamentarians in fulfilling our role as watchdogs of the spending of the government.

Some Hon. Senators: Hear, hear.

Senator Day: Honourable senators, it would be singularly wrong for us to abdicate our responsibility on this bill. We must take the time to study the bill carefully and thoroughly. We cannot seek to enhance accountability to Parliament and transparency to government with the first step being a failure to fulfil our role and thoroughly study this bill.

How can we contemplate bringing in an accountability act without first being accountable and transparent to those Canadians who wish to be involved in the process, make representations to our committee and have their concerns thoroughly heard and considered? That would be absolutely and patently wrong. We are legislating for and on behalf of Canadians. I am uneasy about how Canadians were treated in the other place; we need to do better.

Honourable senators, this is a far-reaching bill. Arthur Kroeger, the highly respected former senior mandarin, whose experience stretches throughout the federal government, told the legislative committee in the other place studying Bill C-2:

> These are institutional questions you are dealing with. You are creating new officers of Parliament, who are going to be there for a long time, or so you hope. You are creating new procedures, and again, it is not a quick fix. This is something that you, as parliamentarians and officials and ministers, are going to live with for the foreseeable future. It is not as though it was really urgent to pass this bill because people were stealing money hand over fist. Canada is not that kind of country. You are not trying to deal with larceny or fraud in regional offices or on the part of anybody in politics.
>
> Every year there is an organization called Transparency International that publishes a so-called "corruption perception index." It lists 170-plus countries in its organization. Canada is always in the top 10 along with Scandinavians, New Zealanders, the Dutch and good folks like that. So, it is not as though we have a question of rampant corruption that is urgent to deal with; you are dealing with longer-term matters.

Indeed Mr. Kroeger felt so strongly about the importance of the committee in the other place, in not rushing its study on the bill, he broke with his customary approach when testifying before that committee. He said:

> If I may, Mr. Chairman, I would like to offer just one last observation. This runs contrary to all my years of conditioning as a senior official in the Canadian bureaucracy, when I always thought that what parliamentarians did was none of my business. You do not give them advice. Since I am now a private citizen, and some other private citizens have given you advice, maybe I can too. I hope you will take enough time with this bill. This is a major piece of legislation.
>
> One of the great advantages you have, as far as I can tell, from the outside, is that this is not really a matter in which there are intense partisan divisions. When I was in government, my observation was that Parliament was at its best when a committee did not have a situation in which one side was dug in on one position, and another was dug in on the other. Instead of that, you had members of Parliament putting their heads together and trying to figure out what kind of outcome would best correspond to the public interest. As parliamentarians, you have the responsibility in that you had the last word about the public interest.
>
> So, I am not going to tell you what should or should not be in the bill, but I do think it is really important that you not rush it, and that when you get into clause-by-clause, you take as much time as you need to work it out. It is complicated. There are some things in the bill that I think show some haste. There are some things that a more experienced government probably would not have done. In putting you heads together on this committee, I hope you will be able to sort those out and arrive at improvements.

• (1500)

Mr. Kroeger went on to say that he thought Bill C-2 was a good bill, but that he hoped the committee would take the opportunity to make it a better bill.

That hope, of course, honourable senators, applies to the role in the Senate and the importance of the committee hearings in regard to this proposed legislation. We need to take the time to make Bill C-2 better.

As we learn more about the 317 clauses in this bill, Canadians have concerns about a number of provisions. Time does not permit me to detail them all but I want briefly to raise a few.

First, concerns have been expressed over the plethora of officers of Parliament that we would create with the passage of this bill. The bill would create a new procurement auditor, a public sector integrity commissioner, a parliamentary budget officer and a parliamentary budget authority, a new director of public prosecutions, a public appointments commission, a public servant disclosure protection tribunal and a commissioner of lobbying.

An Hon. Senator: We can all go home!

Senator Day: Members are well aware that the bill would also replace the Ethics Commissioner and Senate Ethics Officer with a new parliamentary officer, called a conflict of interest and ethics commissioner. Will these new officers of Parliament and agents help parliamentarians conduct their oversight? Will they help with transparency, or will we get lost in a maze of agents and officers? How many levels of bureaucracy will we impose on an already complex system?

I would have thought we needed to reduce the size of government, to do what we can to help our public servants work more effectively for Canadians. It is particularly relevant for us, as parliamentarians and watchdogs of the government spending, to ask what will these new officers and bureaucracies cost the Canadian public, both directly and in increased work for the public service?

This question was asked of Minister John Baird, President of the Treasury Board, who was the sponsor of this bill in the other place. I am disappointed to tell you, honourable senators, that no satisfactory answer was provided. He said,

> With respect to how much the fiscal accounting will cost, the price of accountability is priceless.

Senator Oliver: Good answer.

Senator Day:

> These measures hopefully will save money, not cost money.

That was his answer, honourable senators.

Hopes alone should not satisfy us. I trust the government will provide a proper answer as we proceed to study this bill in committee.

We know from testimony of other witnesses before the legislative committee that indeed there will be costs associated with this bill, as there would have to be given the number of new parliamentary officers — and staff to assist them and automobiles — that would be created by Bill C-2.

Honourable senators may question the wisdom of creating new officers of Parliament if we do not fully use the ones that already exist. Perhaps because this new order of parliamentary officers is relatively new to our system, the government of the day appears able to pick and choose with equanimity whose views will be accepted and whose ignored.

As Senator Chaput and Senator Tardif have reminded us in recent days, the term of our current Commissioner of Official Languages expires this summer, yet no replacement has been put forward for our consideration. I was concerned to learn that the Privacy Commissioner, who already exists as well, was not consulted during the drafting of Bill C-2. Many of us are no doubt aware, the Information Commissioner's recommendations were largely ignored — despite the fact that one of the election promises made by the new Prime Minister was, to quote from the Conservative election platform, to "implement the Information Commissioner's recommendations for reform of the Access to Information Act."

Obviously that promise has not been kept.

Recently, the Information Commissioner submitted a special report to Parliament, responding to the current government's action plan for reform of the Access to Information Act, in which he said:

> All of the positions the government now takes in the discussion paper are contrary to the positions the Conservative Party took, and its leader espoused, during the election campaign.

The Information Commissioner's special report continued — and this is a special report that has been filed recently in the other place — with a discussion of Bill C-2, the very bill under consideration here today. He said:

> Finally, and most important, the content of the *Federal Accountability Act*, and the government's discussion paper on access reform, is a cause for grave concern. What the government now proposes — if accepted — will reduce the amount of information available to the public, weaken the oversight role of the Information Commissioner and increase government's ability to cover up wrongdoing, shield itself from embarrassment and control the flow of information to Canadians.

He ends up with this final quote:

> No previous government, since the *Access to Information Act* came into force in 1983, has put forward a more retrograde and dangerous set of proposals to change the *Access to Information Act*.

That was the Information Commissioner. I am confident we will want to explore these issues in depth at our committee hearings when the committee is entrusted to study this bill.

As mentioned, the bill would create another new position, the director of public prosecutions. Honourable senators may recall that this idea was first presented by now-Prime Minister Harper during the election campaign. There was some confusion in the party at the time, however, as the then-Deputy Leader of the Conservative Party, and now Foreign Affairs Minister, disagreed with the leader publicly about this proposal.

Foreign Affairs Minister Peter MacKay was previously a Crown prosecutor in Nova Scotia, one of the few jurisdictions in Canada that had experience with a director of public prosecutions. No doubt he was familiar, as a former Crown prosecutor himself, with the controversy that, as one commentator put it,

> ...has plagued this Service on a number of fronts, including its effectiveness, organizational structure, level of resources and public confidence.

Honourable senators, I share the doubts about the wisdom of this proposal, and look forward to learning why this new position is deemed necessary. Certainly, some provisions set out in Bill C-2 regarding prosecution in the federal government accurately describe the rules now in effect to ensure that there is not even the appearance of political interference in the prosecution process.

My impression is that, indeed, those provisions are useful in that regard. The issue, however, is why we need to create a new position of director of public prosecutions. In fact, federal responsibility for criminal prosecutions is limited. The provinces and territories are responsible for the administration of justice, and the vast majority of prosecutions in our country are handled by provincial Crown prosecutors.

When representatives of the Department of Justice testified before the legislative committee in the other place, they were asked specifically what problem was trying to be fixed. Was there any recent history of challenges to the appearance of independence in the federal prosecutions? The senior official replied that no such problems had provoked this proposal. Indeed, the official went on to say that in his thirty-three year career of prosecuting criminal cases in government, both Quebec and federal, he had never been involved in a situation in which a political intervention occurred in the prosecution of a case.

• (1510)

I am aware of some concern among members of the government that there should have been more prosecutions in respect of the sponsorship affair. The origin of these provisions might lie in that belief. However, honourable senators, in the sponsorship affair, for which prosecutions continue, the federal prosecution service is not involved. The prosecutions were handled by the prosecution service of the Province of Quebec, and the Sûreté du Québec, not the RCMP, is doing the supporting investigations.

Creation of a new prosecutorial service, even though it is expected to use the existing prosecutors, will require significant upheaval and great expense. As the legislative committee in the other place was told, it will require the transfer of some 600 employees from the Department of Justice, where in some cases they have worked for over 30 years, to a new office of the director of public prosecutions. The committee was told that the transfer "will have a significant impact on interpersonal relations within

the Department of Justice." In addition, the office will need separate office space from the Department of Justice, which will involve an expense. Finally, presumably, there will be an individual to fill the new position of director of public prosecutions. As the legislative committee was told, "the budgetary impact shouldn't be enormous but there will nevertheless be an impact." Is this an appropriate expenditure of time and resources, honourable senators, given that not one problem has been cited that would be fixed by the creation of this new office? I look forward to learning why this change is being proposed as our committee studies this bill.

The next issue that requires attention relates to the obligations that this bill imposes on the private sector and some of the broader implications this bill might have in policy development in Canada. David Stewart-Patterson, Executive Vice-President of the Canadian Council of Chief Executives, testified before the House of Commons Legislative Committee on Bill C-2. He raised concerns about the administrative burden imposed on the private sector by what he termed "the intrusive record-keeping and recording both by anyone who talks to a senior official in the government and de facto by government officials themselves in order to provide a check."

The lobbying provisions of the bill require individuals to file monthly reports setting out the names of senior public office-holders with whom they met or communicated, the date of the communication or meeting, particulars to identify the subject matter of the meeting or communication and any other information that may be prescribed in the future. A number of issues have been raised about these disclosure requirements. Several individuals worry that the provisions will impose a considerable administrative burden. I hope that the Standing Senate Committee on Legal and Constitutional Affairs will look into whether these requirements will unintentionally harm or even destroy grassroots advocacy and volunteer advocacy for not-for-profit groups.

Mr. Stewart-Patterson also expressed his organization's concerns that the level and speed of reporting required under the act might lead to the unfair release of commercially sensitive information. Again, these are important questions concerning implications that I am sure were never intended by the drafters of this proposed legislation but that could have significant impact on Canadians and Canadian business.

It is my hope that honourable senators will consider the broad impact of these provisions on policy making in the federal government. Will this put a chill on the members of the public service who seek to engage Canadians in the development of public policy? Right now, an important part of public policy development is engaging the stakeholders to learn about the problems being addressed and to consider the various alternatives to try to fix them. Each stakeholder who attends any policy development meeting would be required by law to file a report, within a month, with the commissioner of lobbying. Just think about the consultations held in respect of proposed environmental legislation or think of the pre-budget consultations of the Minister of Finance. If Health Canada held a consultation meeting on the future of the Food and Drugs Act with 30 stakeholders, each participant would be required to file a report. The failure to file that report would be a criminal offence, leading to fines of up to $50,000 and/or imprisonment for up to six months. The offence could be prosecuted as indictable, leading to a fine of up $200,000 and/or imprisonment for up to two years.

Surely these provisions are a disincentive to Canadians engaging in policy development. Is this the message we want to send to Canadians, honourable senators: avoid meeting with government officials for fear of inadvertently facing criminal prosecution? Do not engage in policy development or, unwittingly, you might fall afoul of the law. Does this enhance transparency and accountability or does it accomplish the reverse, driving Canadians away from government by constructing a wall between policy-makers and the citizens they serve?

Do we want to make the process more accessible to Canadians, not less; and engage more with the people who will be affected by the policies of our government? Surely our objective should be to make the process more transparent and open, not closed and forbidding. Is this forbidding, walled-in government the new face of our federal government? Is the treatment of witnesses in the other place on Bill C-2 the touchstone of what openness, transparency and engagement really mean to this new government?

One wonders if the same trend to close off government and the political process for Canadians underscores the provisions in electoral financing as well. Reasonable people may differ on the appropriate limits of campaign contributions. This bill proposes to reduce the maximum contribution that an individual may make from $5,400 to $1000. This seems to me to be especially low. In the United States, the maximum allowable is $27,000. The United Kingdom, Australia, Germany and Sweden have no prescribed limit. In France, the limit is $6,500; in Italy, $14,600; in Spain, $60,500; and in Ireland, $8,900. Our current limit has been in place for only two years and is already quite modest in the amount of $5,400 when compared to other leading Western democracies.

In the context of national political parties, the sum of $1,000 is so low as to potentially interfere with the freedom of association and freedom of speech rights of the individual. It is important to get this right, honourable senators. A national policy on electoral financing should never be designed after one political party's fundraising model and must be constructed to be in the best interests of the country as a whole, taking into account its history, traditions and how best to engage Canadians in the political process. It might be commendable if a political party has a broad-based, small, individual contribution system for fundraising, but legislation should not necessarily be based on that model to the exclusion of all others.

Honourable senators, what about attendance at party conventions? Why should those costs be included as part of the annual donation limit? Is there an attempt to curtail party activity? Is this another example of this bill constructing a wall between Canadians and the political process? Instead, should we not encourage Canadians to actively engage in the political process and draft our proposed legislation and make our policies accordingly? A healthy democracy depends on more involvement by more citizens. We need higher voter turn-outs in elections, more Canadians involved in policy discussions and debates if we are to build a more inclusive, healthy future for our democratic institutions.

• (1520)

Right now it costs $10 to join either the Conservative Party of Canada or the Liberal Party for one year. How can a person join the Liberal Party, pay his $10 and attend a national convention at a cost of $995? The drafting of these provisions would appear to make this impossible. Why, honourable senators? What is the democratic principle that we are seeking to advance in this rule? How are we opening up the Government of Canada to Canadians if we are drafting the laws in such a way that Canadians are excluded from participation in the drafting of policies and platforms?

Honourable senators, these are important changes we are making with potentially far-reaching consequences for our country. I look forward to in-depth consideration of these issues and a discussion of the alternatives.

The Chief Electoral Officer has indicated that should this bill pass in its current form, in order to enforce it, he will have to go back and force people to get back some of the money they donated before the law changed. This is an issue the committee will want to pursue with witnesses in committee hearings.

Honourable senators, the final issue I would like to address is one that is well known to many of us in this chamber, namely, the provisions on conflict of interest and the newly proposed conflict of interest and ethics commissioner. There is a long history on this matter in this place, and most of us are very familiar with it.

In brief, in October of 2002, then-Prime Minister Chrétien tabled a draft bill in the Senate for preliminary consideration by this chamber. That draft bill would have established a single ethics commissioner, to be appointed by the Governor-in-Council, to serve each of the Senate, the House of Commons and the public office-holders, namely, the executive branch. This proposal met with significant resistance from honourable senators on both sides. In particular, as Senator Joyal stated:

> The structure of government provides for a clear separation of rights and privileges or prerogatives between the executive, the legislative and the judicial branches of government. These are the vital checks and balances of our system of government. In other words, each branch of government — the executive, the legislative and the judicial — is autonomous in its responsibility and master of its privileges and rights.

The Senate rejected the suggestion of one commissioner responsible for senators and also members of the other place and the executive. That rejection was accepted by the government at that time, which returned in October of 2003 with a bill to establish a Senate Ethics Officer for this chamber and a separate Ethics Commissioner for the other place and public office-holders.

Honourable senators, to our surprise, the present government has chosen to reopen this debate. I am not aware of any problems or concerns with the current system. It is particularly surprising that a government, under the guise of a bill that purports to make the executive more accountable to Parliament and creates so many new parliamentary officers specifically, we are told, to help Parliament do its work, wants to reduce the number of ethics officers, who assist parliamentarians to do their work. We look forward to learning the rationale for this decision.

Senator Cools asked Senator Oliver specifically about this issue last Thursday in this place when Senator Oliver, the sponsor of the bill, spoke about its provisions. Senator Cools asked for information about the problems in the current regime that caused the government to want to replace it. Senator Oliver replied by noting that it was a decision of cabinet, and the honourable senator does not sit in cabinet. Senator Oliver went on to say, "As I understand it, the Prime Minister wanted to have someone involved with judicial and legal training."

According to press releases, the Prime Minister, when he first decided to proceed in this manner, offered the position of Ethics Commissioner to Ed Broadbent. Mr. Broadbent, to my knowledge, is neither a lawyer nor a former judge.

Honourable senators, this underscores the question we have debated at length in this chamber. Who should properly be responsible for deciding who will oversee the conduct of the senators of this chamber? In this case, it would seem that the long arm of the Prime Minister's office is reaching into the Senate and overruling our clear decision and consensus about the independence of this chamber.

I join with Senator Cools and look forward to learning, during our committee hearings, the precise problems with the current regime that we in this chamber chose to adopt. I also look forward to learning how the proposed regime purports to be an improvement.

Another issue which was a point of particular concern to many honourable senators was the fact that the officer was to be appointed by the Governor-in-Council. The provision of the former Bills C-34 and C-4 that caused significant concern read as follows, in clause 20.1:

> The Governor-in-Council shall, by commission under the Great Seal, appoint a Senate Ethics Officer after consultation with the leader of every recognized party in the Senate and after approval of the appointment by resolution of the Senate.

The relevant provision of the current bill is similarly worded, other than that the commissioner is called a Conflict of Interest and Ethics Commissioner and he is for the Senate and the House of Commons.

I am sure we will have a lively discussion on this clause. In particular, I look forward to hearing the views of senators opposite. At the time, in 2004, many were adamantly opposed to a statutory provision that would give the Governor-in-Council — in effect, the Prime Minister — the power to appoint the Ethics Commissioner for members of this chamber.

As an example, permit me to quote Senator Oliver. The following words were spoken in this chamber with regard to the previous bill.

> Honourable senators, even though it has been quoted to you on several occasions by several speakers, one cannot help but go back to the main language in Bill C-4, proposed

> section 20.1. The language is clear and unmistakable: "The Governor-in-Council shall..." Nothing could be clearer. In other words, not the Senate; this is not a Senate initiative. It does not become a Senate initiative until we read the amendment of Senator Bryden...

Honourable senators will recall that Senator Bryden's amendment was not passed, but there was an undertaking given by the government, through the then-Leader of the Government in the Senate, on how that process would take place.

Senator Oliver continued:

> As Bill C-4 stands now, it not only continues to provide the Prime Minister with this control and influence, but it suggests that he would also have similar control over the ethics officer appointed to the Senate. I suggest to honourable senators that if the Senate blindly accepts Bill C-4 as it now stands, then we, too, would be seen as lapdogs, not watchdogs. We, too, would comprise our independence. That independence is crucial to preserving our integrity. The Senate, and not the Governor-in-Council, must appoint the Senate ethics officer, and we should do it by resolution of this chamber.

I thank the Honourable Senator Oliver.

Senator Andreychuk spoke in a similar vein, but she concentrated on the Prime Minister and the consolidation of power in the Prime Minister's office:

> We will be creating a further democratic deficit in Parliament at a time when the public wants a real return to parliamentary process.

Senator Andreychuk goes on to say,

> Honourable senators, Bill C-4 represents the first time in over 100 years that our independence from the government will be tested by law. This comes at the very time when the public is questioning our legitimacy due to the fact that we are appointed. Surely, our critics will be right if we do not at least pass Senator Bryden's amendment.

Senator Di Nino was equally clear in his view of the proposed provision:

> This debate is about the even further erosion of our independence.

Those are beautiful words.

• (1530)

Senator Di Nino continues:

> The ethics officer will be appointed by Governor in Council, which office will also set his or her compensation. The officer will be removable by the Governor in Council. The Governor in Council will appoint an interim ethics officer. In short, the ethics officer will owe his or her allegiance primarily to the Governor in Council and not the Senate.
>
> By all means, let us establish an ethics officer....Let us do it ourselves.

An Hon. Senator: Hear, hear!

The Hon. the Speaker: Honourable senators, Senator Day had 45 minutes to speak and has a few more pages to read.

Senator Day: Could I request a short extension?

Hon. Gerald J. Comeau (Deputy Leader of the Government): We will give him five minutes.

Senator Day: Thank you.

Honourable senators, I have so many quotations that I would like to give to you.

Let me read one quotation from Senator Comeau. He is talking about the Prime Minister at the time and says the following:

> In addition to his own members of Parliament, which he now controls quite well, he will now extend that control over opposition members. The executive, in effect, will control Parliament...

An Hon. Senator: Good comment.

Senator Day: I note that the Law Clerk and Parliamentary Counsel for the House of Commons took the unusual step of presenting the legislative committee on this bill with an unsolicited report, raising questions about a number of provisions in the bill he felt impacted "the constitutional position of the House of Commons and its Members or that otherwise violate provisions of the Constitution Act, 1867 pertaining to the House of Commons." I look forward to hearing the views of the Law Clerk and Parliamentary Counsel of our own chamber to learn whether he also has constitutional or other concerns with respect to this bill.

While I have spoken at length, I have only touched on some of the issues that I believe deserve our consideration in reviewing Bill C-2. Let me summarize some of those issues, and I will try to do it in five priorities.

Senator Comeau: In five minutes.

Senator Day: There are many officers of parliament. Are they all needed? Will they help parliamentarians do their job to oversee the executive and bring accountability to the system?

Political financing reduction from $5,400 to $1,000: Why? What problem is being addressed? Is there an ulterior motive for this proposal?

The creation of a director of public prosecutions: Is this an overreaction to a misunderstanding as to who is responsible for the federal prosecutions?

New lobbying filing requirements: Will these new reporting rules stifle private/public sector exchanges? Why the last-minute change in the rules relating to the transition team exemption from the five-year rule on government lobbying?

Finally, there is the question of the abolition of the Senate Ethics Officer and the constitutional challenge this brings to the fundamental requirement of an independent Senate.

I appreciate that this bill is a priority for the government. I understand that it was an important plank of its election platform. No one on this side, at least, has any plan to derail this bill or delay its passage unnecessarily. However, it is a major and lengthy bill that would amend many statutes and make significant changes. It deserves careful study. There are witnesses whose views deserve to be heard.

We have seen this before, honourable senators. A government, with the best of intentions and purposes, rushes an important bill through the other place without allowing appropriate time for parliamentary scrutiny or the hearing of witnesses.

If we have a role to play in legislative review, this is it. As Senator Austin described the other day, our constitutional role is "democracy slow," to provide the opportunity for careful scrutiny and full airing of the views by interested Canadians.

Happily, there is no crisis afoot. We have the time to do the job right. Bill C-2 is too important to treat quickly or lightly.

I will end by quoting the words of Senator Nolin spoken also with respect to Bill C-4, the proposal to establish the Senate Ethics Officer:

> I have been here for 10 years. Do you think I am preoccupied by perception? Every day, when I look at my e-mails, if I were driven by perception, I would probably change jobs....
>
> Let us do our job properly. Our burden is not only to vote for a law that will give a shot to someone else. No. We must do it ourselves. We must be in charge, but we must be in charge of a process that will be efficient, transparent and credible.

I could not have said it better, honourable senators. We have work to do. This may be our finest hour.

The Hon. the Speaker: Honourable senators, as we have two ministers in the house, it might be helpful if I reference our rules. Rule 37 is clear that beyond the proponent of the bill and the senator who speaks right after it, 45 minutes is allotted. The Leader of the Opposition and the Leader of the Government have unlimited time, but the second minister in the house, like all honourable senators, has 15 minutes.

[*Translation*]

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, it is an honour and pleasure for me to speak to you in support of Bill C-2, the Federal Accountability Act.

It is an honour because I am participating for the first time in the legislative process, and a privilege and sign of trust that few Canadians are afforded. It is also a pleasure because not only is Bill C-2 our first piece of legislation, but it also represents something essential about the nature of our government. This bill will result in great change and will allow us to achieve some of the most significant promises we made to the people of Canada.

I truly believe, honourable senators, that this legislation will mark a decisive moment in federal politics in our country and in the image our citizens have of it. This legislation deserves your support, honourable senators, and I trust you will oblige.

Greater accountability: that is the perfect theme for this bill being introduced by our government. When Canadians went to the polls on January 23, they gave the Conservative Party a clear mandate to change things, a mandate that consists in replacing a culture of entitlement with a culture of accountability and replacing old politics with a new vision.

[*English*]

That is what Bill C-2 is all about. Cleaning up government is the first of five priorities confirmed in the recent Speech from the Throne. It is something Canadians expect this government to do, and the federal accountability act will meet those expectations.

I am especially pleased that this proposed legislation will have such a positive impact on my own department. The federal accountability act will help restore public confidence in an organization that has a long and proud history of service to Canadians. It will help ensure that the Department of Public Works has an equally promising and exciting future.

There are no surprises in Bill C-2, honourable senators. The Prime Minister has been clear about our intentions and has made them widely known. The act has already been endorsed by the other place. Now we must do our part so the implementation of these reforms can proceed at the earliest possible opportunity.

Make no mistake about it, honourable senators, these reforms will be sweeping and comprehensive. For starters, the act will end the influence of money in politics. Under Bill C-2, individual donations to political parties or candidates will be limited to a maximum of $1,000. Political donations by corporations, unions and other organizations will be prohibited and cash donations of more than $20 will be banned.

• (1540)

The period for which violations of the Elections Act can be investigated and prosecuted will be extended to 10 years. This proposed legislation will also put an end to use of secret trust funds and large gifts of money to finance candidates' campaigns.

Bill C-2 also contains important amendments to the Lobbyists Registration Act. Among other changes, the period for which former ministers, ministerial staffers and senior public servants are prohibited from lobbying government will be extended to five years. Lobbyists will be required to record their contacts with ministers and senior government officials. The Registrar of

Lobbyists, who currently reports to the Minister of Industry, will be made an independent officer of Parliament with a strengthened mandate and additional resources to investigate violations.

[*Translation*]

The bill also provides for the creation of a public appointments commission, which will be in charge of establishing merit-based guidelines governing selection processes for appointments to government boards, commissions and agencies.

Certain measures will also be taken to prevent ministers' assistants and other crony appointees from taking advantage of favouritism when they apply for public service positions.

Real protection will be provided to whistleblowers, a group which will include not just public servants, but also ordinary citizens and businesspeople who expose irregularities. Among the most significant changes to that effect, the Federal Accountability Act will ensure that whistleblowers have access to the courts. The bill as proposed will also require that the public be immediately informed of information disclosed by whistleblowers, except in cases where national security or the safety of certain individuals are at risk.

Honourable senators, Bill C-2 will also create a parliamentary budget office, a new independent office responsible for presenting to Parliament an objective analysis of the state of the nation's finances, the government estimates as well as national economic trends. This office will ensure that government fiscal forecasts are updated quarterly and that they contain complete data.

The role and duties of the Auditor General will be strengthened. The proposed legislation will give the Auditor General the legal authority and financial resources to audit any individual, institution or corporation that receives grants, contributions or transfers from the Government of Canada. New sentences will be imposed under the Criminal Code in cases of fraudulent use of taxpayers' money.

Bill C-2 will also strengthen the powers of the Ethics Commissioner, who will become a fully independent officer of Parliament.

For example, he will have the authority to fine violators and consider complaints from the public as well as politicians. Bill C-2 will enshrine the Conflict of Interest Code in the law and will put an end to loopholes in the code enabling ministers to vote on matters connected with their business interests.

Auditing and accountability will be consolidated within departments. To this end, the Comptroller General will be assigned general responsibility for internal auditing in each government department. In addition, the deputy minister for each department or agency will become the accounting officer responsible to Parliament for the expenditures and administrative practices of the department.

[*English*]

Last, but certainly not least, I want to mention the two elements of the act that will have direct implications for my department and the way it does business.

First, Bill C-2 contains a number of measures to clean up federal contracting which, as honourable senators are aware, is an important common service role provided by my department. Every year, the Government of Canada purchases over $20 billion in goods and services, the majority of which is bought by PWGSC. We are the government's experts in procurement and will lead the way in reforming the process to ensure that it is fair, open and transparent.

Specifically, it is the government's intention to create the new position of procurement auditor with a mandate to review on an ongoing basis the government's procurement process to ensure fairness and transparency and to make recommendations for improvements. The auditor will also establish a process to review complaints from vendors, will manage an alternative dispute resolution process for contract disputes and will review complaints concerning the administration of contracts for goods and services.

Honourable senators, the auditor will be appointed by the Governor in Council and report to me as Minister of Public Works. This individual will submit an annual report that will be tabled in Parliament.

Also, as part of the federal accountability action plan, we will implement a code of conduct for procurement that will be developed in consultation with industry associations, research institutes, professional associations and other stakeholders. This code, which I hope to have in place by fall, will consolidate all existing conflict of interest and anti-corruption measures into a comprehensive and transparent statement of expectations for government employees and suppliers alike.

As another measure to clean up government contracting, integrity provisions will be included in all bids, solicitation and contract documents to provide a clear statement of the existing obligations of contractors under the Criminal Code, the Competition Act and the Lobbyists Registration Act. Taken together, the code of conduct and integrity provisions will clearly define for public servants and suppliers acceptable conduct when contracting with the government.

[*Translation*]

Honourable senators, the federal accountability action plan will also strengthen our government's commitment, and my personal commitment as minister, to improve access to government contracts for small and medium enterprises across the country. It is very important for the government to promise to provide opportunities for these businesses and to reward their hard work and innovation. I addressed this issue when the Speech from the Throne was given, but I would like to reiterate my position today.

The steps that Public Works and Government Services Canada has already taken to increase the efficiency and effectiveness of the federal procurement process should produce solid, prosperous small businesses in regional and local communities.

As I mentioned in my remarks about the Speech from the Throne, Public Works and Government Services Canada established the Office of Small and Medium Enterprises to make sure these businesses can compete fairly and equitably,

regardless of their size and location. My office has already begun addressing the concerns of small and medium enterprises, and we plan to increase funding for this initiative, which has seen six new offices opened so that all regions of Canada can benefit from resources earmarked for small businesses.

[*English*]

The second aspect of the act, which is of particular significance to my department, relates to public opinion research and advertising. As honourable senators well know, Canadians' confidence in the government's ability to appropriately manage this task has been seriously eroded.

As a measure to rebuild public trust in government, Bill C-2 will make it mandatory that all public opinion research reports commissioned by the Government of Canada be provided in writing and that departments make all such reports public within six months of completion of the project.

Senator Oliver: Hear, hear!

Senator Fortier: We will also appoint an independent adviser to review, assess and report on government procurement practices for public opinion research, including issues raised in the Auditor General's 2003 report and to recommend whether further action or inquiry is required. This individual will report to me as minister, and his or her findings will be made public.

Finally, our government will amend the federal communications policy to ensure that the principles of openness, fairness and transparency are applied to all procurements of federal advertising and public opinion research. We will review the definition of advertising to distinguish it from other related services, such as public relations or events management.

Honourable senators, time does not permit me to address each and every element of the proposed federal accountability act. However, I tried to touch on the highlights of Bill C-2 and the associated action plan to give you an idea of the breadth and depth of the reforms the government is undertaking.

[*Translation*]

These are not quick and easy fixes for the accountability problems that have become more serious in recent years and have undermined public trust in government. I am talking about comprehensive reform, a long-term solution that will serve Canadians well in the years to come. Honourable senators, Bill C-2 deserves your support.

Hon. Madeleine Plamondon: Would the honourable senator agree to answer a question?

Senator Fortier: No, honourable senators.

[*English*]

Hon. Anne C. Cools: Honourable senators, the issue before us is a bill about accountability. Accountability in a constitutional sense has definite meanings that one can point to for at least a few hundred years. One of the notions of accountability is that ministers should answer to both Houses. It is not within the discretion of a minister to refuse to answer a question from the house. It is part of the constitutional duty of a minister. That is what it means to be a minister.

• (1550)

Honourable senators, I believe we just had such a situation. This minister is new, and not that well acquainted with the practices of Parliament. I have a question of my own, but my point was regarding Senator Plamondon's question. As a matter of fact, honourable senators, it is important. There are two ministers in this place and some member of the government on the floor should answer questions about this monumental and enormous initiative. It seems to me if the minister is so proud of the bill, he would be willing and eager to take not one question, but thousands.

The Hon. the Speaker: We are on a point of order. Are there any other senators who wish to speak on the point of order that has been raised by Senator Cools?

Hon. Tommy Banks: I believe that if the minister were asked again he would obviate the question.

Senator Cools: If the minister were asked again and were to accept, I would withdraw the point of order. However, my point still remains. The principle is a sound one.

The Hon. the Speaker: Honourable senators, first, the rules are clear: Any honourable senator can be asked, within that senator's time allocation; in the instance of Senator Fortier's case, 15 minutes with four minutes left. However, no honourable senator is required to answer the question, according to the rules. If Senator Fortier maintains his position that he does not want to answer the question, or if he wants to ask a question, there are four minutes left. It is not clear whether Senator Fortier is willing to answer the question.

Senator Fortier: Honourable senators, I apologize for having created this point of order. I believe my constitutional duties are also to run my department. A number of people are waiting for me. I am already late for several meetings. However, given that I read my speech in less than 15 minutes and there were four minutes left, I apologize if that has created an uproar. We have committees and Question Period to answer questions, but I am happy to answer the question of Senator Plamondon.

[*Translation*]

Senator Plamondon: Honourable senators, my question is about clause 81, which states that, "The Governor in Council shall...appoint a Conflict of Interest and Ethics Commissioner". I was surprised to see that the clause also states there is to be consultation with party leaders.

A senator is appointed as an individual, not as a representative of any particular party in the Senate. Under previous governments, independent Senators and senators representing other parties have been appointed.

Consultation with party leaders would undermine the independence of the Senate and interfere with the rights and privileges of independent senators. In my opinion, this practice would be undemocratic. All senators should be consulted by means of a vote. Hypothetically, should half of the senators in this Chamber be independent, what would be the point of consulting the leaders of the two parties before appointing a commissioner?

My last point relates to clause 2, which states that a dependent child is one who has reached 18 years of age "but is primarily dependent on the public office holder...for financial support". However, there are many people who, for health reasons or because of a disability, for example, remain dependent without being financially dependent. I wonder about the relevance of describing a person over 18 as being financially independent.

Senator Fortier: As Senator Cools so correctly stated, I am still an inexperienced senator. Nevertheless, I will try to answer your questions.

First, with respect to definitions, a line must always be drawn. The line that was drawn is the one you see in the bill. Having practiced law for 15 years, I can say with certainty that the circle must be squared, and this is how we did it.

As to your first question, the fact that this bill is being debated here and will be discussed in committee will give you the opportunity to air your point of view and debate it with your colleagues in the Senate. I think that that is the best place to state your point of view and debate it with other senators who consider this issue to be important.

Senator Plamondon: You did not answer my question. I asked you why the two party leaders must be consulted.

Senator Fortier: The bill has been sent to us from the House of Commons. It was drafted and reviewed by a committee that proposed hundreds of amendments. I spoke of definitions. This bill includes certain provisions that propose an approach you may find debatable, although it is an approach we would like to take with respect to the commissioner.

Once again, I urge you to make known your suggestions. However, the government is entitled to table any bill it feels is appropriate and that is what we have before us here today.

Hon. Daniel Hays (Leader of the Opposition): Given that I fully support the notion of improving mechanisms to ensure government and parliamentary accountability and transparency, I am pleased to have the opportunity to participate in the debate at second reading of Bill C-2.

[*English*]

As Senator Day said so many times and in so many different ways, it is important that we get it right. I was pleased to hear the Leader of the Government say last week, in reply to a question from Senator Fox:

> I absolutely respect the right of the Senate and the Standing Senate Committee on Legal and Constitutional Affairs to give this bill thorough study.

Senator Oliver, the chair of the committee, as well, told this chamber that the members of the steering committee for the Legal and Constitutional Affairs Committee:

> ...all feel that this bill is extremely important, one that we should not rush, one on which we should hear a lot of witnesses, and the witnesses should be given ample time to make their points.

[*Translation*]

I would like to believe that all senators appreciate his assurances. This is how we like to say that things are done in this House: conscientiously, carefully, respectfully, and while taking the time to properly understand the issues under review, so that we can do our best to ensure that the laws we pass serve Canadians well.

[*English*]

As Senator Day has indicated, the issues in this bill are both complex and far-reaching. I would like to thank Senator Day and Senator Oliver for their introductions to the bill, as well as the minister.

A number of important questions have been raised. I look forward to pursuing them in committee with Senate colleagues. One question on which I would like to focus concerns the extent to which the bill creates new structures of governance; primarily for oversight, but also decision-making, and generally the weight of bureaucracy that it introduces into our system and, if you will, our culture of governance.

Senator Day referred to David Stewart-Patterson, Executive Vice-president of the Canadian Council of Chief Executives, who testified before the legislative committee in the other place. The members of his organization are, as I am sure you all know, chief executives of large companies — individuals with experience in the values of good governance in both the public sector and the corporate world.

• (1600)

Mr. Stewart-Patterson reminded committee members of the experience in the United States when the government responded to the Enron crisis with the Sarbanes-Oxley Act. He told the committee:

> It did reassure investors by providing tough new rules and penalties, but it was highly complex and hastily drafted and it created months of headaches for regulators and a continuing very high cost of compliance for companies.

He continued:

> Today, I'd like to suggest we're seeing some important parallels between issues of corporate and public governance. In both cases there are real failures and fundamental issues of lost trust that have to be addressed. But as with Sarbanes-Oxley, we would ask whether the political desire to move quickly may lead to an excess of new rules that may, in time, prove counter-productive. I'd remind you that in the corporate sector, governance rules are aimed at protecting investors.

> At the same time, they do impose new costs, costs that come right off the bottom line. What's more, if executives spend too much time talking with the lawyers and the accountants instead of growing a business, the end result is not to serve the interests of the shareholders.
>
> Now, no one questions the need to repair the flaws in public governance exposed by the sponsorship scandal, but as in the corporate sector, new rules, new internal controls, all will add significant new fixed costs, even as they reduce opportunities for fraud.
>
> I'm also worried about whether these new measures, as a whole, could affect the culture of government. Could they lead to an obsession with obeying the rules and avoiding mistakes that, in turn, could become a serious brake on innovation and efficiency? There is more to delivering the best possible value to citizens than simply preventing fraud.

These are important questions for the attention of honourable senators.

[*Translation*]

Senator Day has listed the various positions of officers of Parliament that will be created by this bill. They include a Procurement Auditor, a Public Sector Integrity Commissioner, a Parliamentary Budget Officer, who will be in charge of a Parliamentary Budget Office, and a Commissioner of Lobbying.

In addition, the bill provides for the appointment of a new independent advisor to conduct a comprehensive review of the government's public opinion research practices, as the minister explained. As Senator Day indicated, these positions are independent of the existing departmental audit committees, and their status will be enshrined in this bill.

[*English*]

I am concerned that we appear to be moving in a direction wherein responsibilities are taken away from the executive and the public service and made subject to these independent decision makers. Are they creating another layer of government to do work that properly should be done by the executive within government and by parliamentarians holding the executive to account for its actions? Have we fully considered the implications of this new order that is being established?

Are we well-served by moving toward a congressional or, if you will, a U.S. style of government with many levels of unelected overseers superimposed on the system? If so, we should do so with full understanding of the many implications of our actions because our parliamentary democracy is significantly different in critical aspects from, say, the American system. It is not necessarily right or appropriate to seek to graft certain aspects of their system on to ours.

Are we establishing so many reviews, audits and oversights that it will be increasingly difficult for public servants to get about and do their jobs? Is the message that we are sending our highly professional, capable public servants that we do not trust them? The government has stated that Bill C-2 will not stifle innovation or create an atmosphere that is risk averse. Honourable senators, we will want to be persuaded that this is true.

I note that I am not alone in these concerns. Professor Emeritus C.E.S. Franks, who was senior research adviser to the Gomery commission, raised some of these concerns when he testified before the legislative committee in the other place on Bill C-2.

He said:

> I have a concern — this is a personal concern — that the Act asks too much of Parliament in terms of the number of agents of Parliament that Parliament will wind up with and in terms of the efforts to keep their own agents accountable and in line.
>
> I express it as a concern, and it fits into another concern I have, that the thinking behind the Gomery Commission on responsibility and accountability was, to rephrase an old expression, that you should choose wisely and entrust liberally. In other words, you should choose the right people and give them the powers in the belief and faith that they will act responsibly, and then you hold them accountable at the end.
>
> The Gomery Commission boiled down its views on the accountability and responsibilities of deputy ministers by saying that if they are faced with an issue they're doubtful about, they should ask themselves two questions: first, can I defend this adequately before the public accounts committee, and second — since the public accounts committee represents Parliament, which represents the people of Canada — the question could be phrased as, can I defend this decision satisfactorily in a public forum?
>
> What's implied in here is a sense of responsibility. The commission did not recommend any more regulations, rules, or oversight agencies; it felt that we had enough. The problem was that these weren't observed, not that we needed more. I have a concern that the Federal Accountability Act goes too far in the direction of more oversight agencies, more varieties of accountability and more mistrust of public servants, more efforts to control and command and punish, and less attention than I would like to see on ensuring that the public servants themselves have a sense of responsibility that they follow in their work.

[*Translation*]

Honourable senators, these are important issues. This testimony in the other place by the senior research advisor to the Gomery commission makes me wonder whether the government, which is creating this new administrative level, clearly understood what Justice Gomery recommended in his report.

[*English*]

Senator Day quoted a number of passages to us from the testimony of Arthur Kroeger before the legislative committee on Bill C-2. I was struck in particular by the following:

> These are institutional questions you're dealing with. You're creating new officers of Parliament who are going to be there for the long term, or so you hope. You're creating new procedures. And again, this isn't a quick fix. This is something that you, as parliamentarians, and officials, and ministers, are going to live with for the foreseeable future.

Honourable senators, we will need to examine the provisions of the bill to ensure that the regimes they establish can truly achieve the objectives they are put forward to accomplish. Some of the new procedures and institutions introduced appear to be rather tortured attempts to appear transparent and independent while in fact maintaining tight control over power at the centre. For example, the proposed new director of public prosecutions is being introduced specifically to assure Canadians that all prosecutorial decisions are being made completely independently of cabinet and political concerns. As Senator Day told us, our process is now set up so that these decisions are absolutely independent of cabinet and political consideration. There is no suggestion of any impropriety about our system now. The only suggestion seems to come from this bill. This is unfortunate, as it may suggest to Canadians that a problem does exist where in fact none does.

From all information, there is complete independence now.

[*Translation*]

But one issue I want to draw attention to in particular is the process created by this bill to appoint this new Director of Public Prosecutions. The bill provides that the Attorney General will create a selection committee. Note that the Attorney General is also the Minister of Justice and the person responsible for criminal prosecutions.

This committee would consist of a member named by the Federation of Law Societies of Canada, a member named by each recognized political party in the other place, the Deputy Minister of Justice, the Deputy Minister of Public Safety and Emergency Preparedness and a member selected by the Attorney General.

• (1610)

[*English*]

One may quibble with aspects of the composition of this proposed committee, but in general I appreciate that this should result in an independent committee comprised of knowledgeable, respected individuals. The concern is with the next part. This committee is not entrusted with the task of finding qualified individuals to propose to fill the position of director of public prosecutions. Instead, the Attorney General, the very person whose supposed lack of independence is the reason given for this new position in the first place, prepares a list of up to 10 names that he or she then submits to the selection committee. The selection committee may only choose from those names. The committee's job is simply to review their qualifications, choose three individuals from the Attorney General's list, and those names are returned to the Attorney General, who chooses the final candidate. At that stage, a parliamentary committee is struck to approve or disapprove the choice. If the choice is disapproved, the committee is referred another candidate, again from the Attorney General's list.

[*Translation*]

Honourable senators, can we say that this committee is truly independent? Or is this a smokescreen to hide the fact that the real control remains at the centre? We either need an independent director of public prosecutions or we do not — there is still no proof that such a need exists in Canada. If this need does exist, is it fair for candidate selection to be controlled by the very person who currently plays this role, namely the Attorney General?

[*English*]

This is but an example of some of the possible problems with the details of this bill. The issue is not accountability and transparency. We are all in favour of more open government, but the devil, as they say, is in the details.

We have work to do on this bill. I believe Canadians have one of the best systems of government in the world, and my international and inter-parliamentary experience is to the effect that we are so regarded internationally as well. Our public service is among the most highly respected in the world. Can we do better? Improvement is always possible. My impression is that there are many very strong provisions in this bill that I hope will help to further improve the accountability and transparency of our system.

Our work is to ensure, to the best of our abilities, that any changes we make are the right changes, that they are needed to address real problems and are not less than they are made to appear or there only to make a political point, that they provide value-added and are cost efficient for their purpose, that they make the best use of the resources we already have in abundance in our excellent public service, and that they bring transparency to the Canadian government, inviting and helping Canadians to engage on the issues that affect and concern them.

[*Translation*]

I am anxious to see what our committee will say about this broad and complicated bill. The committee's report will allow us to determine whether the provisions of the bill will bring real improvements to accountability and transparency in government operations and thus benefit all Canadians.

[*English*]

Hon. Hugh Segal: Honourable senators, it is my privilege to stand and speak in broad support of Bill C-2, its principles, its direction, its thrust, its purport and its intent.

Wherever I travel in the country, I am stopped by Canadians in all walks of life, who speak in both official languages, who indicate how delighted they are that the present administration is moving to make some of these corrective steps active and substantial.

I thank Senator Oliver, Senator Day, Minister Fortier, and the Leader of the Opposition, Senator Hays, for the quality of their interventions. However, as I listened to Senator Day, for whom I have the greatest respect and affection, I was struck by the degree to which his speech reminded me of Woody Allen's speech

to a graduating class in the Bronx. He said, "On the one side, we face atomic destruction and the end of the world as we know it. On the other side, we face environmental degradation and the end of civilization. I know, as graduates, you will have the courage to make the right choice."

There are some redeeming elements in this legislation, and I want, with great respect, to offer to my colleagues a view or two on what they might be. The parliamentary budget office is an important addition to our operation in this place and the other place so we can better assess and analyze government expenditures on a more consistent and timely basis.

I believe that the commitment to tougher rules with respect to lobbying and greater parliamentary accountability will strengthen the general frame of reference of what we try to do here in the interests of the people of Canada.

The kinds of changes offered in this bill take place every few years. They are part of the cycle of parliamentary debate and discussion. However, I do want to make a point about the context, and I say this as someone who is new to this place. I do not accept for one moment that there was any corrupt intent on the part of the previous government or its leadership, and I am offended by suggestions to the contrary.

I am comfortable that Mr. Justice Gomery has identified the specific areas and individuals of concern and that the Sûreté du Québec, the OPP and the Royal Canadian Mounted Police will recommend charges where evidence justifies charges.

However, we should step beyond such negative debate to look at the proposition of accountability overall. I am sure all members in this house agree that an active sense of accountability is more than retroactive blame and punishment. It has to be if it is to be a dynamic force in good government in this country.

I believe that accountability should be about a more positive process of disclosure, a framework of regular information sharing that liberates parliamentarians, public servants and media to do their job well and constructively.

I am hopeful, therefore, that the provisions of Bill S-217, which reflects on quarterly financial disclosure, might be adopted by the government as an appropriate and supportive companion piece to the transparency they are attempting to achieve through this important proposed legislation.

If we are asking our political parties to disclose their ins and outs financially on a quarterly basis, it is only fair that we require the same of our government departments and Crown corporations. The same rules should apply constructively right across the board.

Bill C-2 has within it, as has all legislation, whether it is developed over a long period of time or more quickly, some technical difficulties that I hope the Standing Senate Committee on Legal and Constitutional Affairs is able to address constructively. They are unintended technical difficulties that will produce perverse consequences that are quite unhelpful.

For example, reducing permissible donation maximums for our political parties, without addressing the expense side, will create a gap that may produce precisely the kinds of circumstances Mr. Gomery's commission was brought in to look into. If we are not prepared to address the expenditure side while limiting the legal source of appropriate donations, we have to look at what consequences may emerge therefrom and what might be done to address this.

Having a higher threshold of detail for lobbying disclosures that exists relative to corporate confidentiality than now exists in our access to information legislation may produce duelling and competing standards around the same principle; namely, that companies, in good faith, should be able to deal with their government in confidential matters without the information being disclosed in an inappropriate fashion to their competition.

I believe that the five-year lobby exclusion will end up decreasing competition amongst those who are now in the lobby profession. I cannot imagine that that was a precise goal desired by the Conservative government, which I wholeheartedly support and which generically should be in favour of appropriate competition.

I am hopeful that the committee will seek legal advice and counsel as to whether the five-year exclusion is, by definition, unwittingly perhaps, oppressive.

• (1620)

Public corporations across this country pay large, substantial executive salaries so as to have a non-compete agreement with those CEOs when they leave, and very few courts have been prepared to enforce more than two or three years in that context with respect to that constraint. I also believe, honourable senators, that lobbying for non-profit causes is different from lobbying for commercial gain and appropriate commercial access, and some distinction would be constructive for the committee's due consideration.

Any law that seeks retroactively to extend its reach is potentially problematic, although I recognize the rationale in the case of Bill C-2 and the purity of the motivation that underlies it. The fact that both the National Energy Program and the legislation with respect to the Pearson Airport were retroactive should give all Canadians a moment of pause on the larger question of the principle.

Honourable senators, I enthusiastically support Bill C-2 and hope it can be passed in a reasonable period of time and that senators on the standing committee have a broad breadth of opportunity and discussion to reflect the substance and matter of the technical details.

Technical refinement and improvement where appropriate is what this place, I believe, does best, but respecting the democratic authority of the House of Commons, which has passed this bill in a multi-partisan way, should also define the context within which we operate. I humbly submit to all honourable senators that that should direct our activity going forward on this important bill.

Hon. Serge Joyal: Honourable senators, I am tempted to follow up on the conclusion of the Honourable Senator Segal and accept the invitation that the Honourable Leader of the Government made during Question Period, informing us that the Prime Minister reads the *Debates of the Senate* and pays attention to it.

Bill C-2 is mammoth legislation. It is a bill that is approximately a centimetre and a half thick. It amends 70 different statutes and if we were to put all those statutes on our desk, each of us would need an extension to try to understand the interplay of all the clauses this bill contains.

When this bill came out from the other place, the President of the Treasury Board was quoted in an article in the *Ottawa Citizen* on June 20 as saying:

> It would be something remarkable with all parties supporting the bill in the House of Commons for a few rogue senators to delay or postpone it. I am going to be optimistic and hope we will be able to pass it expeditiously.

The Prime Minister, gave an interview to CTV, and made the following statement:

> I do not think the... Liberal majority has any business trying to change the fundamental principles of this legislation.... I think it should go through. I think it should go through promptly.

Then the Leader of the Government in the Senate also made a statement:

[*Translation*]

> I trust that the senators will understand the importance of this bill for Canadians and that they will not delay its adoption because of the leadership convention to be held in December.

[*English*]

Honourable senators, we have a constitutional duty. Our constitutional duty is to review a bill that was drafted in the six-week period following the election and that amends 70 statutes and that was pushed through the House of Commons. We have heard how reluctant the witnesses were to be part of a process that was contrary to the reflection that should be brought to such an important exercise.

Bill C-2 is very important and would create a fundamental change in Canadian institutions, and that is what I want to outline this afternoon. When there is such an important bill, what are our constitutional duties? Honourable senators, I will quote Sir John A. Macdonald. Sir John A. Macdonald tells us:

> There would be no use of an upper House if it did not exercise when it thought proper the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever, were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people.

Honourable senators, this is the context in which I prefer to set my mind when I approach such an important bill.

There are three points I wish to share with you this afternoon. The foundational principle of our system of democratic government is responsible government. That is what distinguishes us from our friends south of the border. What does responsible government mean? Responsible government means, as Senator Cools has stated, that the government is accountable in the chamber. Anything that improves the process of accountability of the government in the chamber is an initiative that we have to look into carefully and support.

Honourable senators, I humbly submit that Bill C-2 does not essentially look into the priority of the principle of enhancing responsible government. I look to Senator Murray, because this bill does not address the fundamental issues of the study of the estimates.

We have a parliamentary budget officer, as the Honourable Senator Segal has mentioned, but let me remind honourable senators of — former Senator Bolduc, who was a public officer and former Senator Stewart, who was a professor of administrative law. In their wisdom, those two former senators from both sides of this chamber made proposals when we had to strengthen the control of Parliament over the government of the day. Senator Stewart said:

> Although the decreasing independence of the House of Commons is visible in other aspects of its operations, nowhere are the consequences more grave than in the study of government estimates. The study of estimates is by far the most important way in which members of the House of Commons can review the success of government policy and the performance of its ministers and public servants.
>
> While ominous in itself, the declining role of the House of Commons and the scrutiny of government estimates is but a symptom of the lower chamber's loss of independence vis-à-vis the government.

• (1630)

Let me read from one of the essential authorities of constitutional reference in this chamber, former Senator Eugene Forsey. Senator Forsey offered a diagnosis that I think will help us in studying Bill C-2 when he stated:

> Party governments tend to spurn constitutional limitations and to seek to overcome them. Parties seek to capture all the organs of the state and to make them work to the party purpose or for the benefit of the party leader, their principal supporters and their friends. An independently minded House of Commons is an obstacle to this outcome; a strong upper house, an even greater one.

Honourable senators, the first scrutiny that we should bring to this bill is how the capacity of Parliament to scrutinize estimates should be enhanced to ensure that the government remains accountable.

The problem with this bill is that, as Senator Day and other senators have mentioned, it creates five new parliamentary officers — a new group of people whose responsibility would be to act with very specific terms of reference. In fact, being called officers of Parliament, for whom will they stand? Will they stand for the members on the other side or the members on this side? They are not honourable senators.

Those five new officers that come on top of all the layers of administration we already have, even though they are officers of Parliament, and here I quote the law clerk's testimony in the other place:

> It should be noted that for present purposes, those "officers of parliament" carry out an executive function — that is, they do not act in accordance with house rules and under the direction of the house. They act in accordance with statutory requirements. More, they are not appointed by either house but by the Governor in Council. And finally, though described as officers of Parliament because they report directly to one or both houses of Parliament, as a matter of public law, these are positions of executive function and, as such, are part of the executive branch.

What are we doing here, honourable senators? We are strengthening the executive branch. We are taking some of our responsibilities and giving them to another group or set of people, deemed officers of Parliament, who will be outside our control.

Honourable senators, this issue is fundamental, because we have so-called officers of Parliament. We have the Auditor General. We have the Chief Electoral Officer. We have the Privacy Commissioner. We have the Information Commissioner. We have the Commissioner of Official Languages. We have a Senate Ethics Officer and an Ethics Commissioner in the other place. Ask yourselves, when all those officers of Parliament report to this place or the other place, what do we do with their report? What are our resources when we receive those reports? Honourable senators, to ask the question is to receive the answer.

My first point is this: If we are to give additional strength to the Canadian democratic principle, we should concern ourselves with wherein lies the fundamental problems of responsible government, and how we want to maintain responsible government and better improve our control over the administration. The honourable Senator Segal has a suggestion for the budgetary reports of Crown agencies and departments. This suggestion is one way for us to try to understand it, but once we have an officer that exercises responsibilities outside our day-to-day control, we include in the system another layer whereby our own responsibility will be diminished. This point is very important.

My second point this afternoon, honourable senators, is about the proposal in this bill that the Senate Ethics Officer merge with the Ethics Commissioner of the other place. I was tempted, the first time I read that, to do what Senator Day did this afternoon and go through all the statements made by all the senators in this place when we discussed this previously. I have them here. Honourable senators who want to consult what they said at that time can come and look at them.

Senator Cools: I know what I said.

Senator Joyal: This is not the most important thing. The most important thing is that three constitutional principles are at stake.

The first is that the Parliament of Canada consist of three elements, according to section 17: the Crown, an upper house styled the Senate and the other place. Those three elements of the Constitution have to maintain their independence if they are to work properly. This is a fundamental principle, honourable senators.

The second is that each house, this one and the other one, has sole jurisdiction over its internal affairs and the discipline of its members.

The third is that the court system, or the justice system, should remain out of our daily business if we are to conduct our operation with the objective of maintaining the democratic principle in our institution. In other words, the court should not meddle in our internal affairs.

Those principles are simple to understand. Many of us, if not the majority of us, repeated those fundamental principles when we discussed the draft bill introduced at that time by Senator Carstairs, and then Bill C-34 and I am looking at the honourable speakers who studied that bill very specifically at that time, and then Bill C-4. We came forward with a system that, honourable senators, I think operates satisfactorily.

An Hon. Senator: Hear, hear.

Senator Joyal: In fact, you received this report —

The Hon. the Speaker: The honourable senator's time has expired. Is he requesting additional time?

Senator Comeau: Five minutes.

The Hon. the Speaker: Five minutes. Senator Joyal.

Senator Comeau: Following your lead.

Senator Joyal: Thank you, honourable senators. I appreciate your leniency.

Last week, all of you received the annual report of the Senate Ethics Officer. No one can identify a single iota in this report where a member of this place has not met their obligation under the code, whereby the registry is not publicly accessible somewhere in the office of the SEO, and that the SEO does not have all the power to investigate any kind of complaints that could be lodged and to make recommendations to this house. We have a system that is not a year old. This bill sets aside all the principles that we implemented in this code. Why? Because there will be one ethics commissioner.

Honourable senators, when I thought about this issue some years ago, I said to myself that the worst scenario we can have is one ethics commissioner and in the other place there is a major problem. They start bickering with the person, there is an over-politicization of the system and we are dragged into it. My worst nightmare happened last year. Ask yourselves one simple question: Besides all the principles and abstract concepts I have

tried to explain, what would have happened if we had one ethics commissioner last week who would have become part of the game? Do you think we could have protected our independence and our autonomy?

An Hon. Senator: No.

Senator Joyal: Do you think we could ensure that, when there is an investigation, that investigation is not over-politicized? We know that ethics is a difficult area. If we want to maintain trust in the system, we have to maintain the kind of independence that is essential for the Senate to function.

Honourable senators, if you read section 6 and section 44 of this bill, you will realize that we will be dragged into that situation. If the system we have put into place in the last year had not given results, I would be the first one, as Sir John A. Macdonald said, to exercise sober second thought about it. However, the system functions presently. Before we throw it aside, we should think twice.

• (1640)

Finally, honourable senators, I have listened carefully and read most of the comments of honourable senators, as well as the testimony that many of the witnesses gave in the other place. When something is done that affects the functioning of the institutions — and I call upon those senators involved in public administration, or who have studied public administration before — there is a law called the Law of Unintended Consequences. The objective of the law is good. We want transparency, accountability, equity and justice for all. We want the justice system to go after rogue people. That is something we spontaneously support. When the government introduces proposed legislation and amend 70 statutes in one bill, something is put in motion. We trigger something.

When I read this bill, there is a pervasive element of distrust. It seems we cannot trust anyone anymore. If one joins the public service now, one will be submitted to layers and layers of over-the-shoulder control. There are commissions, officers and tribunals. Employees must deal with investigations, surveys and reports.

This morning the *National Post* outlined in an editorial that the major challenge now is to invite younger recruits into the public service.

If the culture is distrust and not the benefit of the doubt, not the quality of someone with education to serve the public, people who join the service or who are in the service will have to be well aware that the first foot that they put ahead, something very heavy will be on them. A different kind of culture of public service will be created or triggered.

This is an important point. This is the dynamic that the bill will trigger.

Honourable senators, we are the ones to try to bring that reflection in this chamber. We are well-positioned to try to evaluate the impact of this bill and to ensure that the objective of accountability and transparency are served in the best interests of all Canadians.

[*Translation*]

Hon. Francis Fox: Honourable senators, I would be pleased to hear the often liberal opinion of Senator Cools.

Today we have heard a series of very interesting speeches that have contributed significantly to the debate by both sides of the chamber. The debate is not a strategy to delay this bill but rather one to ensure that it is reviewed in detail.

Our critics have already indicated to the Leader of the Government in the Senate that the Liberal senators would expedite the second reading in order to help pass this bill today, while reserving our right to examine the issues raised when the bill is before the committee. Consequently, no one can objectively accuse the Liberal senators of delay tactics.

Honourable senators, we all agree that this is a wide-ranging bill that makes profound changes to the public administration in this country. I believe that this has been clearly shown by Senators Joyal and Segal.

The intention of the legislator is to improve the management of the public service in Canada; however, this bill does have shortcomings and can definitely be improved. The role of the Senate is to do just that. To deny it this opportunity, as indicated by Senator Joyal, is to deny the bicameral nature of our parliamentary system. It would deny the role attributed to the Senate by the Constitution.

Several of us have quoted from the Speech from the Throne. I would like to use the same quote from the Prime Minister but provide a different interpretation.

In an interview at the end of the session, the Prime Minister stated:

[*English*]

> I do not think the unelected Senate, particularly the Liberal majority, has any business changing the fundamental principles of this legislation.

[*Translation*]

I take this to mean that, even in the eyes of the Prime Minister, we can and must review this legislation in order to improve it, provided we do not change the basic principles.

I am much comforted by the response of the Leader of the Government in the Senate in reaction to a question I asked her when she said:

[*English*]

> I absolutely respect the right of the Standing Senate Committee on Legal and Constitutional Affairs to give a bill thorough study.

[*Translation*]

In other words, we must review this bill in detail and propose amendments based on the evidence provided.

I was also impressed with the speech by Senator Oliver on June 22 when he said, quite candidly — and I am quoting from page 628 of Hansard:

> No individual piece of legislation is absolutely complete or perfect, but that is where we come in. We, the Senate of Canada, the body of sober second thought, have a responsibility to carefully review this legislation...

And in response to a question from Senator Mercer, he acknowledged that in the other place, there often is no opportunity to review the issue in detail—and I quote:

> Senator Joyal, Senator Carstairs and I all feel that this bill is extremely important, one that we should not rush, one on which we should hear a lot of witnesses, and the witnesses should be given ample time to make their points.

I assume that referring this bill to the Senate is not an exercise in futility and that there will indeed be an in-depth review during the hearings held by Senator Oliver and his committee and that following testimony by experts from a number of different fields, amendments will be proposed and, I hope, accepted by the government in the very spirit of the statements by the Prime Minister, the Leader of the Government in the Senate and the chair of the committee.

Some senators will linger over a number of specific provisions in Bill C-2. I personally, intend to limit my speech to section 405 on political financing activities in this country.

From the outset, I want to say that I personally do not have any problem with eliminating contributions from corporations or unions. It was the Right Honourable Jean Chrétien who had, in his reform, virtually eliminated such contributions by limiting them or placing a double limit on them: a monetary limit of $1,000 and an eligibility limit by limiting them to riding associations.

• (1650)

Personally, I see no problem in completely eliminating this source of funding, although the recent report by Justice Moisan in Quebec gives some food for thought. I also see no problem with the limit on contributions that are allowed. What really hurts is the categorical refusal to allow convention registration fees to be counted as legitimate expenses without affecting the other contribution limits.

It is quite clear from the debates in the other place and the lower house's committee hearings that these changes are directed squarely at the Liberal Party, given the leadership convention scheduled for December. I would like to quote an excerpt from an interview the NDP critic, Yvon Godin, gave to the Canadian Press, during which he commented that the purpose of Bill C-2 was to prevent the Liberals from receiving any money from big business.

In any case, this is not real. He is deluding himself, as his party often does. It is clear from this Canadian Press report that the NDP would like the bill to be passed as soon as possible in order to change the rules on funding political parties during the leadership race. This sort of talk has nothing to do with principles; it has to do with strategy, with tactics.

On this issue, *The Globe and Mail*, a reputable newspaper, said in its editorial last Saturday:

[*English*]

> In some respects, the federal government's proposed federal accountability act might more accurately be called the gotcha act or the holier than thou act.

[*Translation*]

Once again, this sort of talk has nothing to do with principles. The editorial writer adds:

[*English*]

> They note that it costs $995 to be a delegate to their December leadership race, and that anyone who contributed even $6 more to the party would be breaking the law. Too bad says Prime Minister Stephen Harper. The issue has been 'studied to death' and nobody should think of changing it. Gotcha, Liberals.

In many ways, the legislation in this part of it targets the Liberal Party directly by changing the rules in the middle of a financial year.

I am reminded of what Senator Segal said in his speech a few moments ago — how we should look with a great deal of concern at any measure that extends its reach retroactively. I think that is very wise counsel. I hope we would be able to look at that part of the bill very closely.

I am not arguing the principle embodied in the proposed bill of reducing the limits, I am arguing on the timing. This is not fair play. This is not the democratic way. This is not the Canadian way. In doing so, it is an effort to destabilize a political party in Canada. It is our turn today. It is somebody else's turn some other time. It is not something we should look upon lightly. It becomes an attack on the exercise of freedom of association, which I think to be a very serious matter.

Compare this to the Liberal way under Mr. Chrétien. Bill C-24, in its transition measures, allowed the party now led by Mr. Harper to disengage itself from Bill C-24 if it called a leadership convention before the end of 2003 — as it did in late December of that year. That, my friends, was an example of fair play, and respect for the democratic process that I hope members opposite will reflect on. It would indeed do them honour to initiate an amendment delaying implementation of the act until January 1, 2007, to allow the democratic process to unfold properly.

Senator Fraser: Hear, hear.

Senator Fox: Regarding the convention fees, may I also point out that under the Income Tax Act, parties must treat convention fees as contributions and issue receipts. I would suggest that the committee consider that registration fees could be exempted on condition their amount be registered with Elections Canada and subject to an audit by that body to ensure reasonableness.

I am somewhat heartened in my comments by seeing that there was a lot of confusion in the other place when this matter was looked at. Joan Bryden of the *Canadian Press* said,

> A spokesperson for Conservative House Leader Rob Nicholson, who is shepherding the act through the Commons, dismissed the Liberal's fears of the bill's impact on their convention. Genevieve Gratton said delegate fees are meant to cover the actual costs of staging a convention. Thus, they are not considered a donation and are not subject to the donation limit.

That is the spokesperson for the government.

Ms. Bryden went on to say that the Liberals were just wrong in what they thought. However, Elections Canada, which implements and enforces political financing rules, backed up the Liberal's interpretation. If the government believes it does not influence, then let us make that change and let us say so very clearly. I think that is something that would be —

[*Translation*]

— a credit to the government, to make such changes.

[*English*]

To my mind, we are dealing here with an issue that has profound effects on the right to be involved in politics in Canada. It is an issue that has been trivialized as "gotcha politics," as hitting out with impunity against one political party with the other standing by grinning. This is not the way to deal with issues of this kind. It is my hope and expectation that our process will allow us to vet these issues in-depth, without being criticized by people in the other place.

Hopefully, academics, editorialists, law school deans, members of the Senate of all stripes, independents and think tanks will start focussing on the issue I have just raised and realize that short-term pain deliberately inflicted on one party does not serve Canada's democratic process.

Some Hon. Senators: Hear, hear!

Hon. Gerry St. Germain: I have a question for the honourable senator.

In 1993, I was the President of the Progressive Conservative Party of Canada. In 1984, I was the national caucus chairman. At that time, the Liberals were reduced to 40 seats. There was a request that Liberal caucus services be granted extra funding over and above the numbers — it was a numbers situation, where funds were allocated based on numbers of members. Prime Minister Mulroney granted extra funding to the Liberal Party. In 1993, we asked for special consideration. We were told by then-Prime Minister Chrétien there would be no consideration at all. Not that Senator Fox would do a thing like this, but I recall this vividly. I think it should be brought to the attention of the Senate and the country that this took place, that consideration was given in one instance but not in the other.

I am not saying this is the right thing to do. All I am saying is that when the senator brings forward issues of fair play, I think the street should be called fair and it should run both ways. I ask for his comment on that.

Senator Fox: Honourable senators, I gather there is a question mark at the end of the comment. As Senator St. Germain knows, although it may not have pleased everybody on this side of the house, I have always had a great deal of admiration for Prime Minister Mulroney who, to my mind, will go down in history as one of the great prime ministers of this country.

I think the type of attitude he had in the case that the honourable senator mentioned was exemplary. I also think the attitude Mr. Chrétien had in introducing a transitional period in the application of Bill C-24, to allow the Conservative Party to run its leadership campaign the following year under the previous rules, is also exemplary. We have two examples to follow. I am sure we could find all sorts of examples we should not follow, but we have two examples in front of us we should follow. I would encourage the honourable senator to show the same generosity his former leader showed.

• (1700)

Senator Cools: Honourable senators, I would like to join the debate on Bill C-2 but I confess that I am not as prepared as I would like to be. However, I understand that the bill is to be referred to committee today so I must speak today or not speak at all.

I thank the other speakers today, in particular Senator Joyal, who need not fuss or worry because I remember clearly everything that I said. Senator Joyal will recall two years ago when I questioned the notion and the concept of the term "officers of Parliament." It is a fiction in many respects that I had hoped would be examined. However, rather than examine it, we are expanding it without proper examination. At one time, the Auditor General of Canada was also the Deputy Minister of Finance. Years ago I did a great deal of work on the history and origin of these positions, which have come a long way from anything they were ever intended to be.

I wish to come to the notion that recurs through the entire debate — our concern for the weakening of Parliament — to the extent that Senator Joyal quoted Sir John A. Macdonald. I would quote Sir Clifford Sifton. As we know, historically, Sir Clifford Sifton was one of the most able ministers in the government of Sir Wilfrid Laurier. In a collection of essays called *The New Era in Canada*, edited by Mr. John Ormsby Miller and published in 1917, Sir Clifford Sifton addressed the business of the Senate. I want this on the record to show senators that the same problems that bedevil us today began to surface 50-80 years ago.

Sir Clifford Sifton, a man of great intellectual and mental largess, said in an essay that can be found at page 50 of the *New Era in Canada:*

> It must be also remembered that, under our system, the power of the Cabinet tends to grow at the expense of the House of Commons.

He continued:

> The Senate is not so much a check on the House of Commons as it is upon the Cabinet, and there can be no doubt that its influence in this respect is salutary.

Following such sensibilities, much debate ensued over the next many years, particularly in intellectual circles, on the phenomenon of the passing of Parliament, with enormous concern for the ascendancy and the concentration of power in the cabinet. However, the situation over the last 25 years has gone from concern over the concentration of power in the cabinet to the concentration of power in the Prime Minister's Office. When Sir Clifford Sifton and others were writing on and speaking to the issue, they would not have anticipated that such power could be held in the hands of non-elected individuals, many under the age of 30-35 years and often in need of some serious adult supervision. A body of opinion is growing that in governments today, particularly of the Westminster-type, there is an inherent kind of despotism.

Senator Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, said that he would like Peter Aucoin to appear before the committee. I would quote Mr. Aucoin's testimony before the Standing Senate Committee on National Finance on October 18, 2005 in its examination of the Main Estimates. The real issue before the committee at the time was the business of the accounting officers. Senator Day will understand why I raise this point, given the meeting we had a couple of weeks ago. Many witnesses speak to proposals for the creation of accounting officers. Mr. Aucoin said:

> All these issues are important because there have been significant political pressures on the public service over the past quarter of a century and more. I would like to emphasize that this is not a uniquely Canadian phenomenon; this is an international phenomenon. In every political system, these things are occurring and they have been building incrementally for the most part, particularly in the Westminster systems, over the past quarter of a century. They wax and wane a bit but they are becoming more intense.
>
> The pressures come from an increased concentration of power at the centre under the Prime Minister, not the Privy Council Office, which is the Prime Minister's department. There is an increased number and influence of political aides and ministerial staff. There is an increased effort to try to politicize staffing in the public service, more so in some jurisdictions than others. There is an increased effort to impose political spin on government communications, the worst case in Britain; and there is an increased demand that public servants be enthusiastic advocates of government policy initiatives — not loyal to the government of the day, enthusiastic advocates of government policy positions. All of those things are coming together. You can find elements of this in the past, but it is becoming much more intense.
>
> It is my view that the sponsorship scandal and several of the other recent debacles we have had are the consequences of those pressures. Some are obviously more extreme and serious than others, such as the sponsorship scandal, but we aught not to think of this as some sort of passing incident that we can get over.

I found those words to be most insightful when I reviewed the committee testimony. It is likely that Peter Aucoin will be a central witness in the committee' study of Bill C-2. In another speech that he presented on May 11, 2006, entitled *Naming, Blaming and Shaming*, he said:

> For the Canadian Conservative Party in opposition, the proposed way to improve the capacity of Parliament to hold government to account was primarily to strengthen the capacities of parliamentary agents, the press, and the public
>
> - to scrutinize and review the behaviour of ministers and officials...

He continued:

> What is noteworthy here is that the capacity of Parliament to hold ministers and officials to account is considered almost exclusively in terms of Parliament's agents and not MPs themselves.

That is a significant perception. He continued:

> One could almost say that MPs have agreed to "contract-out" the duty of Parliament to hold ministers and officials to account to their Parliamentary agents.

There is a huge body of opinion that some things are drastically wrong and need correction, which should be happening. I support Senator Segal such that the bill is extremely well-intentioned and motivated but it is our duty to look at it with care to see that it enhances the role of Parliament, and strengthens the role of MPs and senators in the business of holding governments to account. This is no small matter.

I have taken a fair number of blows for questioning because I was trained as a youngster growing up that it was my bounden duty to do so.

• (1710)

I was raised in the best tradition of criticism, a British tradition of criticism and self-criticism. I was also raised to believe that the system of ministerial responsibility — the Queen and her council and her Parliament, particularly this thing we call Parliament — is probably the greatest tradition that has ever been bequeathed to humanity. I say that with all meaning because I was raised at a time when names like William Wilberforce still rang magic in the minds of children and the people of the British Caribbean. Many senators may not be aware that William Wilberforce was that individual who, by the 1780s and 1790s, was already raising on the floor of the House of Commons of the U.K. the whole phenomenon of the abolition of slavery and the slave trade. For 40 years on the floor of the chamber of the House of Commons he endeavoured to achieve his objective. He lived to see the abolition of one and not the other, but both were almost achieved by the time he died in 1833.

Senator Smith: Three days before.

Senator Cools: Abolition was achieved three days before his death.

There are two issues. Many people do not realize that one issue was the abolition of the slave trade and the other was the abolition of slavery.

Honourable senators have to appreciate that my upbringing was different from many others' here. I was raised not only to question, but also to think. I was raised to uphold the principles of the system. At the end of the day, honourable senators, corruption is not about money; corruption is about rendering the pure impure, about rendering the sound unsound. That is what corruption really means, honourable senators.

I hope that honourable senators understand why I raise some of these questions. It comes from a deep-seated, long-held and abiding sense of what I call my own racial unconsciousness. It is important that we understand that.

The devil in this bill is in the details, and there are thousands of details. I have not yet completed my study of this bill, because it is enormous; it is gargantuan. I will not say who, but an individual said to me a few days ago that 12 years of work was put into this bill in six weeks. I have news: It is still only six weeks of work. Six weeks is six weeks; it cannot be 12 years. It does not matter how many people are working on it, because you do not have the seasoned business of maturity and testing of ideas and so on.

A notion that seems to be passing into antiquity is what I would call the constitutional principles of the system. One of the first constitutional principles of the system is harmony, as Senator Joyal articulated. I am articulating it a little differently, but it is the proper balance of the equipoise and equilibrium between the three constituent parts of the Constitution, being Her Majesty, the House of Commons and the Senate, and over there, the judiciary. We have a duty to inspect this bill carefully to ensure that those balances have been maintained.

I remember some of the debate on Bill C-20, the Clarity Act. I would like to say that the first duty of the cabinet, the ministry as we used to call it, and the Prime Minister is to uphold the Constitution and to uphold the phenomenon of harmony among the constituent parts of the system.

In closing, another old principle comes from Sir Robert Peel, recorded in a book called *Opinions of Sir Robert Peel Expressed in Parliament and in Public*. It was written in 1843. One of the issues that has concerned me is that this act was committed or pledged in public long —

The Hon. the Speaker: Honourable senators, the time for the intervention of Senator Cools has expired. Would honourable senators agree to a further five minutes?

Hon. Senators: Agreed.

Senator Cools: I thank honourable senators.

This subject has worried me because it is the first time, in my knowledge, in a parliamentary system that an opposition announced that it will pass a bill, complete with the name and the title of a bill. What happens if one of the Houses wants to change the name of the bill, for example?

Turning to page 312, of Sir Robert Peel's book, under the title "Parliamentary Pledges." Remember, Sir Robert Peel, like many others at the time — Disraeli, Gladstone and Earl Grey — was laying out the principles of the system. When people ask where that is written, they must read Lord Brougham or Lord Gladstone in order to find out the principles.

This is what Sir Robert Peel had to say:

> I own that abstractly, and on general principles, I object to pledge the House prospectively to the adoption of any particular course at a future period. I have uniformly objected to that course.... I object to such a course, because I think it is an improper mode of relieving ourselves from present difficulties to enter into engagements when we are not prepared with measures of practical detail, without the accompaniment of which those engagements cannot be redeemed. The whole history of parliament has a tendency to discourage the hasty adoption of pledges of this nature.

Honourable senators, as I said before, I am in the process of studying this bill. I am a member of the committee that will be studying it. I am sure that honourable senators know that I have more than a passing interest in many areas of this bill. I am sure that honourable senators will remember the struggle that was engaged in in this house on the business of the Senate Ethics Officer and the strong feelings that were held on all sides of the house, particularly in defending the right and the independence of the Senate to its own peculiar and particular Senate officer.

I would even go a little further to say that when the vote took place on the so-called ethics bill, I swallowed a bitter pill. However, the bill having been adopted, I accepted the regime because, "it was done." Therefore, I want to be shown good reasons as to why there is a proposal to change it. I want to understand the details, and I am having great difficulty obtaining the reasons for the proposal.

Honourable senators, this bill is well-intentioned. I would submit that there is a need for correction. I would also submit that there is a great need for the examination of the details of this bill. I hope that honourable senators would be fair and just, and I hope what Senator Fox says does not pertain, the "gotcha." That is a strange word, "gotcha."

To Senator Fox I would say that I have seen Liberals engaged in some "gotcha" stuff. Boasting is not something that is desirable. I am not boasting, but when certain ministers and the RCMP were going after Mr. Mulroney, that bothered me deeply, that anyone could do that to a prime minister.

I want honourable senators to know that it is not an easy thing to take a different view or opinion when one serves in a caucus, but I was out having lunch with a dear friend of mine, who shall remain nameless, a senior judge, and I told him how distressed I was at this extra-political attempt to destroy Mr. Mulroney personally. It seemed to me that having wiped him out politically would have been enough.

• (1720)

I remember he said to me, "Anne, if you feel so strongly, you have a duty to speak. If you see something that is wrong, you have a duty to say so." It reminded me of my parents, my mother and the grand school mistresses who educated me. If you see something that is wrong, you have a duty to try to correct it. Of course, you accept the results as the outcome.

Having said that, honourable senators, I look forward to the debate. I look forward to the exchange. I am already reading rather strenuously for it. I hope that we will be dutiful, constructive and extremely civilized in all of our dealings.

Honourable senators, I thank you for your attention, and I hope that we understand a little bit about how I was raised, in my Afro-Saxon racial collective unconsciousness.

Hon. Jerahmiel S. Grafstein: Honourable senators, the debate today stimulated me to look at a question that has not been raised previously. Looking at the scope of the bill with its sweeping changes that, in the view of many of us, change the essential characteristics of both Houses of Parliament with respect to their powers of oversight, we have heard concerns enunciated on both sides. Senator Segal, Senator Joyal, the leader on this side and Senator Day all have concerns about this bill, but it is a question of the overall sweep of this bill, as it affects Parliament's ability to function as an independent body as a check and balance against the executive. As Senator Joyal so articulately pointed out, it is obviously a wholesale delegation of powers to the executive, dealing with constitutional powers that have always been within the purview of both Houses.

Senator Oliver will recall that this was a matter of great debate back in 1883 with the *Hodge v. The Queen*, and I will refer him to the principle of *delegatus non potest delegare*. If you go through the cases, you will conclude that if there is an abdication of power, then that offends the Constitution.

I ask the honourable senator who is the sponsor of this bill whether the law officers of the Crown have looked at this question and whether they have opined that this bill is constitutional and does not offend a wholesale delegation of the powers of both Houses.

The Hon. the Speaker: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Champagne, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read a third time?

On motion of Senator Oliver, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Leave having been given to proceed to motion No. 80

Hon. Donald H. Oliver, pursuant to notice of June 22, 2006, moved:

> That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit during sittings of the Senate up to and including Thursday, June 29, 2006, and that the application of rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STATE IMMUNITY ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order

> Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Meighen, for the second reading of Bill S-218, to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism).—(*Honourable Senator Fraser*)

Hon. Jerahmiel S. Grafstein: Honourable senators, I support the principle of Bill S-218. The purpose of the bill is very narrow and focused. It applies to the consequences of the acts of terrorism as already defined under our law, but this bill goes further. This bill affords civil redress through the courts by victims and their families who have been damaged or suffered demonstrable losses because of acts of terrorism.

Victims and family members can launch suits against states that support terrorist organizations banned in Canada as terrorist organizations. The plaintiff in any such lawsuit must satisfy the onus of damage to the victims and establish state sponsorship of such terrorist organizations. This caveat should provide ample protection against nuisance suits of those who would mindlessly appropriate this proposed civil remedy and redress.

This bill, as Senator Tkachuk pointed out, is a necessary companion piece to the United Nations Security Council resolution 1373, which honourable senators will recall was a counterterrorism measure adopted on September 28, 2001, following the September 11, 2001 surprise terrorist attacks in the United States.

This resolution was adopted under Chapter VIII of the Charter of the United Nations. It is therefore binding on all UN members. The UN resolution "called on states to work together urgently prevent and suppress terrorist acts..."

> It was decided that all nations shall:
>
> (a) Prevent and suppress the financing of terrorist acts;
>
> (b) Criminalise the wilful provision or collection, ...of funds.....in order to carry out terrorist acts;
>
> (c) Freeze without delay funds and other financial assets or economic resources of persons who commit terrorist acts or participate in or facilitate the commission of terrorist acts; ...and of persons or entities acting on behalf of, or at the directions of such persons and entities...

The UN resolution was aimed at intersecting and constructing barriers to the free movement of funds, organizations and fundraising of such terrorist groups. The resolution calls on all states to adjust their national laws to ratify all the existing international conventions on terrorism.

Section 83.14(5.1) of the Canadian Criminal Code states,

> 5.1) Any proceeds that arise from the disposal of property under subsection (5) may be used to compensate victims of terrorist activities and to fund anti-terrorist initiatives in accordance with any regulations made by the Governor in Council under subsection (5.2).

This is not new. British Columbia, Ontario, Manitoba, and Alberta have introduced legislation giving provincial governments the right to seize the proceeds of criminal conduct. In B.C., legislation authorizes the confiscation and conversion of seized assets into cash that can be used to compensate the victims of illegal activity. That is all to the greater good of the public interest.

The Canadian Constitution is clear that civil liberties and remedies may be added to federal legislation. Such civil remedies can be rationally and functionally connected to a federal statute, as Senator Tkachuk has proposed in this measure.

Honourable senators, I agree with the principle of this bill. I trust that the Standing Senate Committee on Legal and Constitutional Affairs will examine it in detail. A number of the provisions as drafted have constitutional implications.

I am concerned specifically about the issue of retroactivity to ensure it meets the international and constitutional normative principles.

• (1730)

There is a clear line of domestic and international precedence to deal with the issue of retrospectivity to horrendous acts of violence against innocence. Not retroactivity: I am talking about retrospectivity.

There is a presumption in the common law against retroactivity. Plaintiffs carry the heavy onus of demonstrating retrospective remedies do not impinge vested rights. However, if the objective of these funds is to support international law or to contradict international law as accepted by a state and have mischief as its objective, or is contrary to public safety, this onus can be displaced.

I commend Senator Tkachuk for his leadership on this issue. Justice delayed is justice denied. I support the principle of this bill to grant civil remedies to the victims of injustice and terrorism. Let us move this bill to the committee as soon as possible.

This bill will bring greater accountability to those states that do not support international resolutions in practice or in policy. They act without reference to their international commitments. To these, their international commitments, this bill is a good and effective means to bring terrorist action against citizens to account.

Justice delayed is justice denied. I commend this bill for your speedy consideration in committee.

On motion of Senator Comeau, for Senator Meighen, debate adjourned.

[*Translation*]

FINANCIAL ADMINISTRATION ACT
BANK OF CANADA ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Meighen, for the second reading of Bill S-217, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Fox, P.C.*)

Hon. Francis Fox: Honourable senators, I would first like to congratulate Senator Segal on his initiative in proposing the adoption of Bill S-207, which was debated over the course of an afternoon during a previous sitting.

This bill addresses a topic that is very important to us, namely, the government's proper management of public funds and Parliament's control of public expenditure. Bill S-217 will provide both Houses with additional tools in order to improve the review of government spending by the departments, Crown corporations and the Bank of Canada.

With this bill, Senator Segal is proposing that the public administration, Crown corporations and the Bank of Canada submit quarterly financial reports to both Houses.

In doing so, the government would be following the example that is well established in the private sector, whereby companies listed on the stock exchange are required to produce quarterly financial reports available to the public and shareholders.

Although I agree with the principle of this bill, I would nevertheless like to point out a few issues that I believe deserve our attention and that should be the subject of an in-depth review before the Standing Committee on National Finance after the bill is adopted at second reading.

Honourable senators, we must ensure that these major changes in how we operate are made with a view to improving the efficiency of the expenditure review process, while meeting the requirements of a reasonable cost-benefit ratio.

It goes without saying that this quarterly review will have significant impact on the system at all levels. The ministers themselves will know that they will face a quarterly review and, consequently, that they will have to monitor more closely the relevance, and the development and control of programs for which they are responsible. This is all very positive.

The entire federal administration, including ministers and deputy ministers, will have to become more vigilant, which should make it possible to find and eliminate potential overspending.

These changes should force us to re-examine our own ways of doing things and motivate us to turn to outside expertise which, if I am not mistaken, should happen with the creation of the parliamentary budget office proposed by the government. Otherwise, our role of monitoring expenditures would become less effective, not more effective, as a result of this measure because rather than examining one report per year for each department and agency of the federal administration, we would be examining four per year for each one.

Thus, we should examine the questions of how, who and how much: how will all this data be processed and presented in order for us, as parliamentarians, to do our work efficiently; who will help us analyse all of it; and finally, how much will this cost?

If we do not change our way of doing things, if we do not have access to external expertise, we run the risk of passing a measure that quadruples the burden on all branches of government administration and Parliament without bringing any of the benefits we are counting on in terms of improved transparency, better parliamentary control and better management.

I believe that the principle of Bill S-217 as proposed by Senator Segal deserves our support. It is up to us to find effective ways to apply it.

In that sense, I would be very interested in what the experts at the Treasury Board and the Office of the Auditor General might have to say about this during the hearings. We should also ask organizations and groups that monitor the government's use of public funds to appear before the committee and share their comments with us. These organizations most likely have expectations with respect to how we produce our reports. I would like them to explain to us how we can simplify their lives and, at the same time, our own.

I would like to reiterate my interest in Senator Segal's initiative, which focuses on improving our oversight of public accounts and management of public funds. I think that the more transparent we are, the more we can promote the establishment of a healthy democracy in our country.

I therefore move that Bill S-217 be adopted at second reading and referred to the Standing Senate Committee on National Finance.

On motion of Senator Comeau, debate adjourned until the next sitting of the Senate.

[*English*]

INCOME TAX ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-215, to amend the Income Tax Act in order to provide tax relief.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I am pleased to join in the debate for Senator Austin's private member's bill, Bill S-215.

The good senator gave a lengthy and detailed presentation on what I believe is an attempt to compare, at least in part, the Liberal party's platform of the last election with the Conservative government's implementation of its election platform. I find myself wondering if Senator Austin is floating these ideas to influence his party's platform for the next election.

I agree with Senator Austin that there are fundamental differences in the approach of our two political parties to provide Canadians with tax relief. That is what democracy is all about. All parties appeal to the electorate to attempt to win a vote. Platforms are prepared and presented to Canadians for their judgment.

On January 23, 2006, Canadians voted in large enough numbers to elect a Conservative government. Yes, it is only a minority government, but in our system that government is legitimate and acceptable.

Canadians chose a Conservative party in sufficient numbers to allow us to govern. It seems to me Senator Austin has not fully accepted the fact that his party lost the last election, a decision the citizens of Canada made.

Let me restate for the record the main provisions of the 2006 budget, which should go a long way towards refuting the honourable senator's concerns raised during his speech. Those concerns were about giving Canadians tax relief.

• (1740)

Honourable senators, the budget reflects the Conservative Party's commitment to Canadians, who seem to have largely embraced and praised its contents. Senator Austin seems to want to know what this government is doing for Canadians. I will list some of the benefits Canadians will gain from Mr. Flaherty's budget.

Reducing the GST from 7 per cent to 6 per cent effective July 1, 2006, with a commitment to a further reduction of 5 per cent, and reducing the last personal tax rate from 16 to 15.5 per cent are two initiatives that will put money back into the pockets of Canadians for them to do with as they wish.

The government introduced the universal child care benefit, providing families with children under the age of six years a monthly payment of $100 per child, giving parents a real child care choice as well as setting aside $250 million per year beginning in 2007-08 to support the creation of new real child care spaces. This is something the previous government was not able to do in the 13 years it was in power, notwithstanding its promises.

Removing hundreds of thousands of low-income Canadians from the tax roll is a direct benefit to those needy men and women. Effective January 1, 2007, the government is introducing a tax credit of $500 per child under the age of 16 to help promote physical fitness and good health. Persons with visible disabilities will also benefit by increasing the maximum child disability benefit to $2,300 from $2,044 effective July 1, 2006; increasing the amount of refundable medical expenses, RMEs, to $1,000 from $767 for the 2006 taxation year; and extending eligibility for the child disability benefit to middle- and higher-income families.

On the health care front, transfers will rise by 6 per cent this year and next. Also, $5.5 billion will be provided to help develop a patient wait-times guarantee.

Unlike the previous government, we have not forgotten Canada's farmers. The Harper government provided an additional $1.5 billion in new funding just for this year.

Pensioners will benefit from Budget 2006 proposals as well. Starting with the 2006 tax year, the amount of eligible pension income that can be claimed under the pension income credit will be doubled to $2,000. This is a real benefit.

Post-secondary students have not been ignored. They will benefit from a new $500 tax credit to help with their textbook costs. As well, the current $3,000 exemption limit for scholarships, fellowships and bursary income will be eliminated, resulting in making all of these programs exempt from income tax, and eligibility for student loans will be expanded to assist more students from middle-income families.

Also, the budget will provide a new tax credit of up to $2,000 per year for employers who hire and train apprentices to help them cope with the difficulties they face in finding skilled tradespeople. In addition, apprentices will be eligible for $1,000 grants as of January 1, 2007 under a new apprenticeship incentive program.

There is a new tools tax deduction up to $500 for tradespeople for the cost of tools in excess of $1,000 that they must acquire as a condition of their employment. Moreover, the $200 limit on the cost of tools eligible for the $100 capital cost allowance will be increased to $500. This will not only help the tradespeople, but will also benefit manufacturers and those who sell these tools.

Budget 2006 also proposes a new tax credit for public transit users who purchase monthly transit passes or passes for a longer period of time. Not only will this provision provide millions of transit users with tax relief, it will also help improve the environment.

Honourable senators will remember the introduction by the Liberal government of a new head tax on immigrants in the amount of $975 per person. This government has committed to reducing this fee to $490 immediately, with a further commitment to eliminate it as soon as practicable.

As well, the budget increases immigration settlement funding by $307 million. In addition, the Conservative government is establishing a Canadian agency for assessment and recognition of foreign credentials, something long awaited by qualified professionals who choose to make Canada their new home.

Prime Minister Harper's government is making the Canadian Forces a big winner by providing the appropriate resources to help them in their difficult challenge of making and keeping peace wherever they are needed in the world. In the last couple of days we have seen and heard hard evidence of this with the announcements of the Minister of Defence.

Small businesses will benefit on a number of fronts to help them create more jobs. Effective January 1, 2007, the threshold for small business income eligible for a reduced federal tax rate will be increased from $300,000 to $400,000. The 12 per cent rate for eligible small business income will be reduced to 11.5 per cent in 2008 and 11 per cent in 2009. Effective July 1, 2006, 100 per cent Canadian wine produced by small vintners will be exempt from duty. The rate of excise duty for beer produced by small brewers will be reduced effective July 1, 2006.

The excise tax on jewellery will be repealed effective immediately. I wish to thank all honourable senators who supported the private member's bill on this issue. I believe it helped convince the Minister of Finance to help eliminate this tax.

Corporate tax reductions in this budget include a reduction in the general corporate tax to 20.5 per cent on January 1, 2008 and to 19 per cent by 2010. Effective January 1, 2008, the corporate surtax will be eliminated and effective January 1, 2006, the federal capital tax will be eliminated, two years earlier than originally scheduled.

This budget includes the removal of the tax liability faced by Canadians in the fishing industry when transferring fishing properties to their children. In addition, equal treatment will now be given to the fishing industry by giving them the same $500,000 lifetime capital gains exemption enjoyed by farmers and small business owners.

The forest industry will benefit from an investment over the next two years of $400 million to encourage long-term competitiveness of this crucial industry to assist worker adjustment and to address the pine beetle infestation in British Columbia.

The capital gains on donations of publicly listed securities to charities will be eliminated immediately. This will help create a donation pool estimated at some $300 million annually that can be used to support worthy charitable causes and projects. At the same time, this budget increases funding to the culture and arts community by $50 million over the next two years. These two provisions are a huge benefit for all public charitable and not-for-profit organizations, for the arts community and, indeed, for all Canadians.

That, honourable senators, is pretty good tax relief benefit to Canadians under this new government.

Senator Austin is right when he says that there are those who are not entirely supportive of the government's approach to tax relief. I would be shocked if any government action or proposal would receive unanimous support from anywhere. That simply will not happen. The issue is what Canadians think. Are they happy, or at least satisfied, that the Conservative government has begun to address the problems and issues of importance to them? It seems to me that more and more Canadians are giving Mr. Harper and his government a pretty solid stamp of approval, and that is the important opinion.

I believe that all fair persons would agree that, for a government that has only been in power some five months, this government has done very well indeed. I think honourable senators would agree that, in the short period of time it has been in power, this government has kept many of its electoral promises. My suggestion is to stay tuned; more good things are yet to come.

With respect, I urge my honourable friend, Senator Austin, for whom I do have a great deal of respect, to stop fighting the last election. His time would be better spent preparing for the next one.

On motion of Senator Tkachuk, debate adjourned.

• (1750)

FOREIGN AFFAIRS

BUDGET, ENGAGE SERVICES AND TRAVEL— STUDY ON MATTERS RELATING TO AFRICA— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs, (budget—study to examine and report on the development and security challenges facing Africa —power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Segal*)

Hon. Hugh Segal moved the adoption of the report.

Hon. Terry Stratton: Honourable senators, as chairman of the subcommittee on budgets, we have examined the larger budgets that will be debated this evening rather than the smaller ones, meaning those under $75,000 that will not necessarily be debated. However, for those that are fairly significant, such as this one, because of the dollar value, it is worth asking questions.

The subcommittee did approve all budgets, as did Standing Committee on Internal Economy, Budgets and Administration; that is not the issue. In several instances, three out of the seven were approved in a phased manner. In other words, three of them did not get their full approval. Nevertheless, there are and should be questions to be asked with respect to some budgets. For example, the Standing Senate Committee on Foreign Affairs went to Africa last year. It is now asking to return to Africa once again.

The question in my mind is: There is a request for $345,000 to travel to Africa, why, one year after going, does the committee need to return? There should be an explanation from the chair to this chamber as to why the committee is doing that at this stage.

Senator Segal: I thank the honourable senator for his thoughtful and focussed question. I also wish to thank him for the consistency of the question, because it was the same question that he asked when we appeared before his committee a short time ago.

I absolutely respect not only the right of the subcommittee, but also the Standing Committee on Internal Economy, Budgets and Administration and this house to be diligent in the scrutiny of all expenses and to ask tough questions. All of us have a duty of trust and responsibility and should be delighted for the chance to respond in some detail, which I am now pleased to do.

When the committee visited Africa in the last Parliament, it was at the beginning of a detailed study of development, security, political governance and social issues as it related to Africa. Since that constructive visit — which was before my time on the committee, but the testimony that was received and the records of that discussion were broad and helpful — the committee has held hearings in which over 120 witnesses have appeared to answer detailed questions and make various representations. This has allowed honourable senators on the committee to develop a series of thematics for the final report, which we hope to have completed this fall.

In that respect, we focussed specifically on the private sector and how the private sector's development will assist in dealing with Africa's opportunities and great potential. Our obligation as Canadians to be supportive of both is deemed to be appropriate, unanimously agreed to at the committee for our area of focus.

Travelling to those specific countries where the private sector has been explicitly successful, where they have shown immense initiative and empowered Africans to make progress, both socially and politically, struck the members of the committee as a constructive way to complete its work and to ensure that we have straight-up testimony at the coalface from individuals who are working so hard to build this sort of economic framework.

As a matter of record, this committee, under the distinguished leadership of the former chair, returned hundreds of thousands of dollars to the Senate because the committee acted in a frugal and responsible way, and I expect no less in this process.

Senator Stratton: While the honourable senator has explained the necessity of travelling to Africa, why indeed is the committee travelling to the United Kingdom, Norway and the Netherlands?

An Hon. Senator: It is on the way.

Senator Segal: I thank the honourable senator for that question. One of the things that our committee has been very concerned about, and I believe it reflects the view that we all share, is that Canadian foreign aid and investment in that part of the world be efficient, effective, and also generate opportunities for economic development.

We have heard expert testimony from various sources that other aid agencies have been operating in a fashion that generates more money to those who should be receiving it with less administrative cost than is the case for CIDA.

I know the honourable senator would be concerned about economies of scale, we were particularly encouraged by a report prepared by the C.D. Howe Institute that suggested that there are more efficient ways of achieving the aid goals, and they listed those specific countries as countries the committee would benefit from visiting so as to have hard evidence with which we could use in the process of shaping our final report to this chamber.

An Hon. Senator: Hugh Segal for Prime Minister!

Senator Stratton: Will the entire committee go to the United Kingdom and Norway, or is it, rather, a smaller fact-finding group?

Senator Segal: Honourable senators, we are consulting with both sides as to who will be available on the committee to attend. We hope many of our members will be able to, but it may be a smaller number than the total membership. We would endeavour to manage that in a way which assured participation on the part of our members and also absolute fiscal frugality with respect to the administration of the public purse.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

BUDGET, ENGAGE SERVICES AND TRAVEL— STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Security and Defence, (budget—study on the need for a National Security Policy—power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Kenny*)

Hon. Colin Kenny moved the adoption of the report.

Hon. Terry Stratton: Honourable senators, as with the previous presentation of a budget from the Standing Senate Committee on Foreign Affairs, I have questions for the chairman of the Standing Senate Committee on National Security and Defence.

Why, when the committee was in Afghanistan a short while ago, is it returning to Afghanistan? I have a real concern about travelling to a war zone. It is my view that such a trip would place the lives of committee members in jeopardy. As well, additional forces will be required to ensure the security of committee members while they are there.

I question whether this is the appropriate time to travel to Afghanistan. Is there a reason to go there? Has such a trip been cleared with the authorities in Afghanistan as to the safety of both committee members and the safety of soldiers who would be charged with securing the safety of committee members?

Senator Kenny: I thank the honourable senator for his question. I do not think I can match or even come near Senator Segal's eloquence in replying, but I will be pleased to try.

In anticipation of the next question, I will run through the entire trip in sequence for the honourable senator.

• (1800)

The Hon. the Speaker: Honourable senators, I wonder if the chair could get some guidance from the house. We are close to six o'clock. What is the will of the house?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I believe, Your Honour, that if you were to seek advice, you would find that we have agreed not to see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, not to see the clock?

Hon. Senators: Agreed.

Senator Kenny: The trip as proposed would have the committee going to London, England, first, to look at the issues of rail security and home-grown terrorists. Everyone is aware of the recent problems here in Canada with home-grown terrorists appearing in the Toronto region and more recently in Miami in the United States. The committee has been concerned with this phenomenon inasmuch as it is extraordinarily difficult for the officials, the police and the intelligence service to address the problem of home-grown terrorists.

In the U.K., we have meetings that are in the discussion stages with The Home Office, the London Underground, Metropolitan Police Special Branch, The Security Service better known as MI5, and with our RCMP and CSIS liaison officers to review the issue.

In Rotterdam, we will look at the Port of Rotterdam, which is arguably the most secure port in Europe with a dedicated seaport police who work in conjunction with the AIVD, which is the general intelligence and security service of the Netherlands. We will also meet with the Dutch foreign intelligence service, together with our RCMP and liaison officers who are resident in The Hague.

We are doing this because it makes economic sense on the way to Afghanistan to take advantage of the flight across the Atlantic. If the committee is to go that distance, it seems opportune to spend three extra days to pick up this information. This trip, incidentally, ties in directly with Senate studies, in fact with three reports that the Senate has issued or that the committee has tabled out of the last 13 reports, and it is a direct continuation of that.

In the United Arab Emirates, more specifically in Dubai, we will look at Dubai Ports World. I am sure honourable senators are familiar with the problems that happened in the United States last March when Dubai Ports World purchased the P&O terminals in six American ports. We have a Dubai Ports World in Vancouver, and that terminal is an important part of the Port of Vancouver. We think it is important to have assurance that the security of that company and that port functions well. We have had some experience with the officials in Dubai, and liaison officers there are making arrangements for us to see the operation of the port there.

That stop brings us close to a base that should not be mentioned here, but that is the principal stepping-off point to getting into Afghanistan. This visit to Afghanistan is to Kandahar, whereas the visit last year was to Kabul. The committee is there at the invitation of General Hillier, the Chief of the Defence Staff. When the committee was in Kabul last, we looked in particular at how well the concept of 3D — defence, development and diplomacy — functioned. We could not find good evidence of that when we were there last time, and we reported that back and had discussions with the Chief of the Defence Staff. In fact, the situation was such that some of the senior officers there had not met the ambassador and had not in fact been to the embassy. That was something we rectified. General Hillier assured us that if we came back this summer, spring or fall, he would show us a very different situation where development, diplomacy and defence functioned hand in glove. We are there at his direct invitation.

We have been in discussions with the minister. I have had three meetings with the minister on the subject. In fact, the committee raised the question of coming at a time that did not inconvenience General David Fraser and the troops on the ground. The minister understood that. He is in accord with it. He is finding a date. In fact, I expected him to be back to us by Friday, but he was otherwise occupied. I expect to hear from him today or tomorrow.

As far as the risks go, I suppose there are risks. It is not a nice place. Everyone on the committee is going voluntarily. No one is forced to go. In fact, the committee is eager to go.

Senator Campbell, I saw that.

Frankly, I think it would be difficult for some of us to look the troops in the eye if they are over there and we are not prepared to go over and see how they are doing. I know that is certainly the case for me.

I went with Senator Atkins last week to Petawawa to meet the troops going over next, the RCRs. We met with the young men and women who will serve over there in September when we expect to be there. We were absolutely impressed with their level of morale and enthusiasm. After going through a strenuous six months of training, they were facing three weeks of leave. The impression Senator Atkins and I got was that they wanted to go right away. They were so keen to go they did not want to complete their leave.

We saw them in a variety of circumstances dealing with improvised explosive devices, going through the rules of engagement and taking advanced first aid courses. We saw a group of incredibly impressive young men and women, and we told them we looked forward to seeing them over there.

One question we asked each of them we spoke with, and we spent time alone with some of the enlisted people, was how they felt about their training and their equipment. To a man and woman, they felt that their training was terrific and that their equipment was superb. The closest we came to a complaint was from one individual who had a green T-shirt instead of a sand-coloured T-shirt, but only about three inches of it was visible. Everyone else was pleased with the equipment they had.

• (1810)

The committee, when it is there, wants to see if they still have the same view after they have been there three months and whether their training has served them well. We have been told, again, by the Chief of the Defence Staff that a visit such as ours would be a positive morale boost and that parliamentary interest in missions like this on site is extremely valuable.

There are precedents for this trip. Members in this room were with me when we travelled to the former Yugoslavia in 1993. When we were there, we passed through towns where the buildings were still on fire, and the place where we stayed was shelled at night. I cannot pretend it was a pleasant experience, but it goes with the turf. If we are on a National Security and Defence Committee we should see the troops in action or I do not think we are much of a committee. I think I speak for all members of the committee when I say that.

We have been looking closely at 3D. It is your question, sir, and I am doing my best to deal with it.

We have been concerned about how well defence, diplomacy and development worked together, and we have had great difficulty making the connection thus far. We have gone to the Canadian International Development Agency, and they have global figures for last year. We do not have any specific figures for the state of Kandahar. We find that Canadian aid is going in principally through the UN, not an organization that is renowned for its efficiency or its probity. So far, we have not gotten a breakdown of individual programs functioning there, and the committee has a grave concern that if the aid does not follow the arrival of our troops swiftly, the troops will soon be seen as occupiers instead of liberators and enablers. That perception will have grave consequences, not only for the success of the overall mission, but on the safety of our troops. They rely heavily on the aid coming in a timely way so the people of Afghanistan see them as not only bringing stability to the place but improving the way they live.

One difficulty right now is ensuring Kandahar is sufficiently stable for non-governmental organizations to function there, and for our aid officers to function there. We also have an interest in the RCMP. We anticipate six officers will be there by the time we arrive. Only one is there now, but the six will be active in training the police force.

We will also meet with the Canadian Security and Intelligence Service, CIDA and Foreign Affairs Canada officials for a better understanding of how well the triple D approach works.

In summary, we have combined the trips or visits to take advantage of the expensive cost of the flight across the Atlantic, and to gather useful, we hope, information on problems that are real to Canadians in light of the arrests ten days ago. Port security remains one of our greatest vulnerabilities. We have not had any progress in port security in Canada for a number of years. It is a high priority for us. We want to see that it is also a high priority for the government. We think we can make a much better case after looking at two excellent ports in two different countries in the course of the visit there.

Senator Stratton: When you answer the question on the costing — the Prime Minister was there, of course, and the House of Commons committee travelled there or will travel there — I am worried about overkill. No pun is intended. I have not finished my question. I will ask you to answer the question as part of my supplemental question.

With respect to the Kandahar camp, you have three days at $55 a day times seven people for a total of $1,200 for staying in that camp. That figure cannot possibly be the total cost. You will have armed forces protecting you, touring you around, and more or less devoting their lives to you for those three days. Those costs are nowhere near $55 a day or $1,200 for three days. Do you not think that in the future when you go to Camp Mirage and stay for $700 a day that the true costs should be reflected, or at least explained, in a way that indeed you cannot account for the costs in total but there are costs?

Senator Kenny: In response to your preamble, my initial meeting with the minister was together with the chair of the committee from the other place. They did not appear to be terribly well-organized and did not have a view on whether they wanted to go, who wanted to go or how they might go. The chair undertook to consult his committee and get back to the minister when the committee had a consensus.

I have not asked the minister whether the committee has gotten back to him or not.

As far as the other costs go, no, I do not agree with you, Senator Stratton. To expect us to come up with those costs is something unreasonable. The costs vary according to the situation, and whenever we visit a base there are costs. People do things they would not normally do. It is part of the parliamentary function that is built in and, as you well know, it is under a totally different cost centre. It is almost like attributing the costs of the gardeners out front or the RCMP who drive around the building to the costs of the functioning of the Senate. You can make a case for that, but that is not something that the Senate is responsible for. We do not try to justify what Public Works and Government Services Canada spends, what the RCMP spends or what the NCC spends. We know it is there. I do not deny those costs exist, but I do not think it would be a good use of our time or taxpayers' money to ask the minister or the Chief of Defence Staff to cost out in detail what it will cost for us to be there under a range of options, depending on what the current security situation is.

I do not think it is necessary for the Senate to have that sort of information. It is certainly not asked for when the Standing Senate Committee on Agriculture and Forestry visits an experimental farm or when the Standing Senate Committee on Energy, the Environment and Natural Resources visits a national park or so on and so forth. In my experience, we have never asked another department what the costs are when someone visits them. I think they take that as one of the ongoing costs of doing business. In this case, they are certainly welcoming us, and they went out of their way to do that with Senator Atkins and me last week. I am sure costs were associated with that visit as well.

• (1820)

Hon. David Tkachuk: Honourable senators, I have several questions. Under "professional services" — for military adviser, on page 297 of the journal — there is a budget of $128,650 in consulting and salaries for the staff of the committee. Who do those people work for?

Senator Kenny: Those people work for our committee.

Senator Tkachuk: Would the honourable senator indicate who hired them?

Senator Kenny: Those employees were interviewed by the steering committee and the steering committee hired them.

Senator Tkachuk: When the honourable senator says that these people work for the committee, do they work equally among all the members? Who assigns them? Who is in charge of the staff and the requests that they may get from the committee to do certain work for senators — or do senators call them directly?

Senator Kenny: We follow the custom of the Senate; the chair of the committee has the responsibility to direct the staff. Having said that, the staff deal independently of the chair whenever the staff have a request to meet with them.

Members of the committee had individual briefings to the extent that they wished — some longer, some shorter. Staff members respond directly to committee members without asking my leave. As perhaps the honourable senator noticed when he came and sat with the committee, staff members meet with the committee prior to each witness where the committee and the staff sit down together and discuss desirable lines of questioning. We also meet after each witness. The committee members tell the staff their views of what the testimony was and staff, in turn, respond and give them their views on whether the witnesses were credible from their perspective.

There is open communication between the staff and the committee, but I have the responsibility, as chair, to administer their work on a direct basis. The hiring and pay is something that is decided by the steering committee.

Senator Tkachuk: In regard to the individual trips to the conferences in Atlanta, Zurich and London, I notice there is one senator and then there is another one senator and then there are two senators. In the case of the one senator, who chooses who goes and who has gone in the past? In the case of the two senators, is that one senator from each side? Also, is it chosen by the steering committee or does the deputy chair and the chair choose the separate member?

Senator Kenny: The deputy chair and the chair certainly do not choose separate members. The committee has never functioned that way and it will not function that way. The committee functions in a collective way. The way people have been chosen in the past has often been discussed by the committee, and the decision depends on who is free and who has a particular interest in it. However, if the honourable senator inquires of members of the committee, he will find that no one has been short-changed. If people have not gone on a trip, it is because they have said that they could not go, they were not free to travel. There has been a remarkably non-partisan approach on the committee and Senator Forrestall, when he was alive, ensured that was the case.

Senator Tkachuk: I am sure that Senator Forrestall did that. Could the staff — there are many of them — prepare a report on the number of conferences that the committee has gone on, on single or double trips over the last five years, and who the senator was, and could that be tabled in the chamber?

Senator Kenny: That is not something that would be difficult to do, but it is not something that is part of a budget presentation.

Senator Tkachuk: I am just asking for information on the budget, so I think that is a reasonable request for a senator to make in this chamber, and for a senator to table in the Senate chamber.

Senator Kenny: As I said, I have no difficulty providing lists of people who have been asked to go on trips and who actually went on them at the end of the day, but it is not part of a budget presentation.

Senator Tkachuk: I thank the honourable senator for his responses.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Foreign Affairs, (budget—study on Foreign Relations in general—power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Segal*)

Hon. Hugh Segal, moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

FISHERIES AND OCEANS

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Fisheries and Oceans, (budget—study of the Federal Government's New and Evolving Policy Framework for Managing Canada's Fisheries and Oceans—power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Rompkey, P.C.*)

Hon. Larry W. Campbell for Senator Rompkey, moved the adoption of the report.

Hon. Terry Stratton: Would the honourable senator go through the reasons for this particular study? We have already accepted the costing, but I would ask him to go through the real reasons for the study so that we can better understand why we are spending this sum of money.

Senator Campbell: I thank the honourable senator for his question.

While I am new to this committee, I have read up on all the reports and have been involved in some of the previous studies. This is part of the ongoing responsibility of the committee to look at the emerging policy framework for managing Canada's fisheries and oceans.

Being from the West Coast, I am sure I do not have to remind anyone from the East Coast of the difficulties that our fishers have experienced over the past number of years, in not only maintaining their life, but also in maintaining the stocks, the resource that they fish.

While we are in the east, the committee will be considering issues about Canada's jurisdiction over the oceans, how this is enforced and how these questions affect fishermen and their communities.

The committee ultimately wishes to develop recommendations that will help to ensure the long-term viability of this important resource and the communities that depend on it. In studying the fisheries, it is of critical importance to get out and meet with the fishermen and the people involved in the industry in their communities and to see the sites first-hand.

The difference, as honourable senators will know, between the committee's request and the amount recommended for release is for additional domestic travel planned for early 2007. We asked for $396,312, and the Standing Committee on Internal Economy,

Budgets and Administration has recommended the release of $210,056, which is enough for the committee's planned work through the end of 2006. We will be back knocking on the door in 2007.

I hope I have answered the question.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

• (1830)

[*Translation*]

TRANSPORT AND COMMUNICATIONS

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON CONTAINERIZED FREIGHT TRAFFIC—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Transport and Communications, (*budget—study on the examination of containerized freight traffic handled by Canada's ports—power to hire staff and travel*), presented in the Senate on June 22, 2006.—(*Honourable Senator Bacon*)

Hon. Lise Bacon moved that the report be adopted.

[*English*]

Hon. Terry Stratton: Honourable senators, we did not have the opportunity in the subcommittee on budgets to review budgets in detail because of the Senate's potential adjournment for the summer last week. I ask Senator Bacon to tell the house the reason for the study on the examination of containerized freight traffic when it is known that the Standing Senate Committee on Security and Defence is doing similar work. Is this study along the same line or is it a different avenue of study?

[*Translation*]

Senator Bacon: Honourable senators, this has nothing to do with security. There are enough problems and issues with current and future containerized freight traffic handled in various ports.

We were asked to look at Pacific ports of entry—Vancouver and Prince Rupert. I also think we will have to knock on your door again for Halifax on the east coast and Montreal in central Canada.

However, we are to examine major inbound and outbound markets served by these ports and current and future policies. We also have to consider the entire intermodal network—trains and trucks that transport the containers shipped to these ports.

Therefore, this has nothing to do with the Standing Senate Committee on National Security and Defence's study. I would note, honourable senators, that we do not go beyond Canada's borders.

Motion agreed to and report adopted.

[*English*]

BANKING, TRADE AND COMMERCE

BUDGET AND ENGAGE SERVICES—STUDY ON CONSUMER ISSUES ARISING IN FINANCIAL SERVICES SECTOR—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on consumer issues arising in the financial services sector—power to hire staff), presented in the Senate on June 22, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET AND ENGAGE SERVICES—STUDY ON ISSUES DEALING WITH DEMOGRAPHIC CHANGE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on demographics—power to hire staff), presented in the Senate on June 22, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ABORIGINAL PEOPLES

BUDGET, ENGAGE SERVICES AND TRAVEL—STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Aboriginal Peoples, (budget—study on the Involvement of Aboriginal Communities and Businesses in Economic Development Activities in Canada—power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Segal*)

Hon. Gerry St. Germain moved the adoption of the report.

Hon. Terry Stratton: Honourable senators, again I ask why the Aboriginal Committee is doing this study. It is my understanding that the committee will try to determine why some reserves are successful in economic ventures and others are not. Some Aboriginal communities are successful in what they do and some businesses are successful in what they do, and others are

not? First, perhaps the honourable senator could give the house an overview of that. Second, could the honourable senator explain why so many trips are planned, because the number is significant.

Senator St. Germain: I thank Senator Stratton for his questions.

Honourable senators, the committee commenced under the chairmanship of Senator Sibbeston. Senator Gill and I have found that emerging from the study is the fact that governance is a dominating factor in the success story of our Aboriginal peoples. When they are able to take control of their destiny, it appears, in many instances, that economic development begins to happen within the communities.

As honourable senators are aware, Senator Sibbeston and I have undertaken a fact-finding trip to the North for this study. We covered the entire region along the Mackenzie Delta into the Northwest Territories. We also took one trip with the committee as a whole to Northern British Columbia and Alberta. We have reduced the amount of travel with the full committee but we plan one trip to northern Saskatchewan, Manitoba and northwestern Ontario, with the rest of the trips designated as fact-finding.

I can assure honourable senators that when the committee has acquired sufficient information, the travel for the study will end. We would not travel for the sake of travelling. Traditionally, we have returned money from the Aboriginal Committee studies to the Senate. I have no reason to believe that this tradition would not continue.

Travel costs to some of these remote places is expensive. If we do not go to the people, the people feel that they are not part of the equation. I do not think that any of us are truly excited about travelling to some of these remote communities but it is a necessity. If we are to improve the plight of our Aboriginal peoples, some of whom live in third-world conditions, then it is our responsibility as a Senate to ensure that we present a report to the country by way of a study. Senator Gill and I have some concerns about the fact that many studies seem to end up on shelves collecting dust and do not receive proper attention. That group includes comprehensive studies on Aboriginal peoples, including the Resource Centre for Academic Technology, RCAT.

I hope that answers the honourable senator's question. Certainly, the committee will mitigate the costs by compiling a report to the Senate as soon as we have satisfactory information.

Hon. Wilfred P. Moore: I know that Senator St. Germain and his committee will do superb work in the best tradition of the Senate of Canada. I am also thinking about the question that Senator Tkachuk put to the Chair of the Standing Senate Committee on National Security and Defence.

• (1840)

Would the honourable senator like a question about his staffing, about who is hiring, and about travelling and who went on trips and who did not make it? I do not think I will ask that, because I find it embarrassing. I am sure the honourable senator will do the right thing.

Hon. Joan Fraser (Deputy Leader of the Opposition): This is a fairly simple question to Senator St. Germain, who happens to be the target of it. I have noticed in the past with various committees that sometimes we start from Ottawa, we go off some place and come back, and then we go from Ottawa to another place. I wonder if, on some of those occasions, it might not be more cost-effective to do more of a sweep, to go from Ottawa to point A and then to point B before returning to Ottawa.

Did the honourable senator do any cost analysis to find out, for example, whether or not it would be more or less expensive to go to Roberval in Quebec — I say "Roberval" because I do not want to mispronounce the name of the reserve — and then to Labrador, or to go to Nova Scotia and then to Labrador, without returning to Ottawa in the interval?

Senator St. Germain: I thank the honourable senator for her question.

These are fact-finding trips, honourable senators. We certainly make every attempt to mitigate costs, and if we are going to an area, we will not go from here to there and back. We would make a round trip and try to cover all the areas with as little cost as possible to the Canadian taxpayer. There is no question about that.

We work quite closely with our staff. I can assure the honourable senator that the senator sitting behind her, Senator Gill, is frugal and conscientious in ensuring that we get maximum value for the dollars spent.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET AND ENGAGE SERVICES— STUDY ON CONCERNS OF FIRST NATIONS RELATING TO SPECIFIC CLAIMS PROCESS— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Aboriginal Peoples, (budget—study on the general concerns of First Nations in Canada related to the federal specific claims process—power to hire staff), presented in the Senate on June 22, 2006.— (*Honourable Senator Segal*)

Hon. Gerry St. Germain, for Senator Segal, moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BANKING, TRADE AND COMMERCE

BUDGET AND ENGAGE SERVICES—
STUDY ON PROCEEDS OF CRIME (MONEY
LAUNDERING) AND TERRORIST FINANCING ACT—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on the review of the proceeds of crime (money laundering) Act—power to hire staff), presented in the Senate on June 22, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein, moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET AND ENGAGE SERVICES—STUDY ON ISSUES
DEALING WITH INTERPROVINCIAL BARRIERS TO
TRADE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on Interprovincial Barriers to Trade—power to hire staff), presented in the Senate on June 22, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein, moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

BUDGET, ENGAGE SERVICES AND TRAVEL—
STUDY ON PRESENT STATE OF DOMESTIC AND
INTERNATIONAL FINANCIAL SYSTEM—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Banking, Trade and Commerce, (budget—study on the present state of the domestic and international financial system—power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Grafstein*)

Hon. Jerahmiel S. Grafstein moved the adoption of the report.

Hon. Terry Stratton: The hour is getting close to 7:00 and some of us have to go to the Standing Senate Committee on Legal and Constitutional Affairs for Bill C-2. I would ask that Senator Grafstein keep his comments as brief as possible, but perhaps he could go through an explanation as to why he is doing this. The honourable senator can be succinct; I know that Senator Austin appreciates that.

Senator Grafstein: Honourable senators, the Standing Senate Committee on Banking, Trade and Commerce is frugal and sensitive to taxpayers' considerations. This is the first trip that our committee has taken, despite a number of productive reports.

In terms of comparison to other committees, this is the first time we have travelled. We intend to travel to Washington and New York to pursue a number of issues that have been the subject matter of reports and consideration by the committee. We intend to meet with Federal Reserve officials in Washington and New York, as we do with the Governor of the Bank of Canada, to consider monetary policies that affect North America.

We intend to meet with security officials in New York and Washington, particularly to look at enforcement provisions that we have considered in our committee.

We intend to meet with our counterparts in U.S. banking to discuss internal trade issues affecting money laundering and the proceeds of crime and the new economic models that we are now studying with respect to those organizations that straddle the border.

We intend to explore the consequences of the deepening U.S. deficit and the impact on the Canadian economy if it gets any worse. We intend to explore briefly, if we can, the hedge funds with respect to U.S. regulatory authorities. We have touched on this issue and we want to know what is being done in this regard.

Finally, we intend to talk to our American counterparts in Washington about the Western Hemisphere Trade Initiative, which, if put into place, as proposed, by the end of this year, will have a devastating effect on border states and the cities along the border.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

HUMAN RIGHTS

BUDGET, ENGAGE SERVICES AND TRAVEL—
STUDY ON INTERNATIONAL OBLIGATIONS
REGARDING CHILDREN'S RIGHTS AND FREEDOMS—
REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Human Rights, (budget—study on the Rights and Freedoms of Children—power to hire staff and travel), presented in the Senate on June 22, 2006.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk moved the adoption of the report.

Hon. Terry Stratton: Honourable senators, could I perhaps have an explanation as to the expenditure of this money? I know it is a tie-in to the previous study and a continuation of it, as I understand it, so perhaps a few words of explanation would help.

Senator Andreychuk: I believe Senator Stratton is correct that this is the continuation of the study that was commenced on the Convention on the Rights of the Child and assessing how Canada is doing in implementing this treaty.

The committee made a brief trip to Atlantic Canada, and we were interrupted in our study when Parliament dissolved. We are asking to go to Western Canada. We are taking Senator Fraser's comments into account in compressing the travel by starting on a weekend. We will carry out our studies during full days in Vancouver, Edmonton, Regina and Winnipeg. That is the bulk of the expenditure. We will have one week of very long days. Then we are proposing to utilize weekends and go to Toronto and then to Montreal for a total of three days.

I believe the rest is self-explanatory. We are looking for a continuance of an editor in French, and this time an editor in English.

Hon. Percy Downe: The honourable senator has long service in the Senate. What are her views with respect to the cost to the Senate and the cost to committees? It is my understanding that the total cost of running the Senate is roughly $82 million a year. Committees constitute 4 per cent of our budget; does she think that is good value for money?

Senator Andreychuk: I think that every committee should speak for itself. This committee is good value for its money. When the Human Rights Committee started, we did not travel. We wanted to do an assessment of what was possible. We wanted to ensure that we were not duplicating other studies by academics, groups or government.

We worked cautiously and called witnesses to Ottawa. We then embarked on the massive study on the Convention on the Rights of the Child, having convinced both the Senate and members on the committee that we were not duplicating anyone's work and that the area of international treaties and their implementation in Canada was not being studied or fully understood by all Canadians.

If the honourable senator were to ask the average Canadian if they believe that when Canada signs an international treaty, that Canada is bound by it, most Canadians think that we are bound by the treaty. However, we are not, unless it is properly implemented in Canada.

• (1850)

Therefore, we thought this study was valuable. We also thought that the study of children from a parliamentary oversight point of view had not been done before in a comprehensive way. Consequently, we embarked on it.

Not only have we been efficient with the money, but the previous report was written by members of the Senate with the assistance of one library researcher. We did not hire professionals; we did not contract out. We did the work ourselves. That kind of dedication should speak for itself. We hope the product will so indicate.

I judge the value of committees not by how much money was spent or what policies we scrutinized or supported but rather by what policies we effectively changed.

Some Hon. Senators: Hear, hear!

Senator Andreychuk: What committees have taken a position that may be shared by some Canadians but has not been the subject of study by the House or somewhere else? What committees have effectively and doggedly pushed the issue to change a policy on behalf of Canadians?

I remind senators that in this committee we studied Aboriginal veterans at a time when nobody else did. We were cost-efficient in that, and we persuaded the Aboriginal community to re-think their strategy of honouring their own veterans. I believe we made a dramatic change in the governments.

We changed government's opinion to look at two of our recommendations immediately. We have yet to persuade the government on others. We have the report. It is still there. We continue to try to make the changes.

I believe Canadians will assess our work from the area that they work in and understand. If it affects their lives to the betterment, they will say it is good value.

Senator Downe: I thank the senator for her comments. I share her view totally. The value of Senate committees is the work they do and the reports they produce as opposed to the money they spend.

I am concerned that we spend such a small percentage of our total budget on committees because in my experience even in my short time here, the committees do the most valuable work in the Senate. I urge all senators to join me in getting more funding for committees.

An Hon. Senator: Hear, hear!

Senator Andreychuk: That is good support for committees, but it has to be balanced. I would not say what we do in committees and in Parliament is dollar for dollar.

As I sit with very few numbers here, I think it is incredibly important that we be here. Senators have spoken this evening more eloquently than I can on the value of the dialogue, the debate and the compromises that need to be made in the chamber. The essence of our work and our reason for being here is to scrutinize legislation. We are here ultimately to look at the legislation and to make what other policy initiatives and changes we can.

I still maintain our need to be balanced by working on committees.

Senator Downe: Do you agree that four per cent is the right amount for committees? In your opinion, given your long experience not only in the Senate but also outside government experience, is that enough funding for committees?

Senator Andreychuk: I will defer to my colleagues on the Standing Senate Committee on Internal Economy, Budgets and Administration. I do not believe you can judge committee budgets by four or five per cent. We have started to look at each committee to determine whether that money is effectively utilized. If we come to a conclusion that we need more, then we should make our compelling case for that. That is why we need scrutiny.

The other thing we still lack, although we are starting to talk about it, is the fairness between committees. I see Senator Bacon Shaking her head in approval.

Senator Stratton: Hear, hear!

Senator Andreychuk: She eloquently stated here that all committees should have the same rules and the same chances to make their case, and the approach should not be piecemeal. I wholeheartedly support that approach in that we know what the rules are.

Every committee could spend more and do more work, but there must be a limit to the money we expend and the product we produce. We look at cost effectiveness, our impact and then our other work, and we balance all of those. Whether committee funding is 4 per cent, 3 per cent or 10 per cent will depend on the issues and the various Parliaments as they come and go.

The Hon. the Speaker: Is there further debate?

Senator Comeau: Question!

The Hon. the Speaker: It is moved by Senator Andreychuk seconded by Senator Tkachuk that the second report of the Standing Senate Committee on Human Rights be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendment to rule 28(3)—user fee proposals), presented in the Senate on June 13, 2006.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino, moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report (interim) of the Standing Senate Committee on National Security and Defence, entitled: *The Government's No. 1 Job: Securing the Military Options It Needs to Protect Canadians*, tabled in the Senate on June 21, 2006.—(*Honourable Senator Kenny*)

Hon. Colin Kenny, moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to cconsideration of the third report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!*, tabled in the Senate on June 21, 2006.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn: Honourable senators, I know the hours are passing, but it is with a sense of urgency that I wish to speak on the report tabled last week by the Standing Senate Committee on Agriculture and Forestry following our recent study of the crisis eroding our grains and oil seed industry in Canada.

"Putting Farmers First" in the title of the report expresses the unanimous concern of our committee members, whom I wish to thank for their vigorous participation over the last several weeks to enable us to offer recommendations to the government, which, with goodwill and commitment, can produce a meaningful response of direct assistance as well as a rigorous plan for the future.

I should add that, over the weekend in Southern Alberta, it was interesting in a variety of conversations how powerful three little words can be. In an industry that does not often believe its concerns are really anywhere near the top of a government agenda, "putting farmers first" is not something they are used to hearing. They hope our response is real.

Sadly enough, it often takes a crisis, such as bovine spongiform encephalopathy, BSE, and the instant shutting of borders against our cattle industry, to bring together the players from governments at all levels, along with producers and processors to find even a temporary solution.

At the same time, an equally disturbing reality is playing out in our grain and oil seeds industry across Canada, with steadily declining prices. The Canadian Federation of Agriculture told us that from 2002 to 2005, the price dropped by over 25 per cent and remains extremely low.

The situation that is facing us today and has been facing us for several years has now risen to proportions that reach well beyond current and past policy efforts.

• (1900)

Policies can be changed as we are suggesting in this report. On the other hand, it is true that in some respects we have little, if any, control over certain elements such as drought, flooding, hail,

wind and destructive insects that devastate fields, or those that bring with them far-reaching diseases from all corners of the world. As we note in the report, between 1995 and 2005 farm debt has increased by more than 90 per cent to reach a sum of $51 billion.

Today we are looking at how we can best create assistance that can be used quickly by our farmers through programs that are both predictable and bankable. This was a suggestion that caught the attention and approval of the Minister of Agriculture and Agri-Food Chuck Strahl, in a very positive way.

That proposal is reflected in our first recommendation:

> In addition to income stabilization, production insurance and other business risk management programs, the government should implement a direct payment program for the next four years with payments calculated on the basis of historical yield and acreage.

Honourable senators, in other words, no waiting around endlessly or struggling through reams of paperwork. Combine this with Bill C-15, which the Senate passed last week, streamlining and increasing support from other programs now in place, and this will ease some concerns from farmers and farm groups who underline the importance of making a living from the marketplace and receiving a fair price for their products.

However, our report points out that this inflow of money will have little effect if Canada does not continue to move vigorously to ease the barriers that keep our farmers from taking advantage of future market opportunities outside our borders. As always, they prefer to be able to receive returns from the market rather than have to count on perpetual government support. That is where our second recommendation comes into play.

We are proposing a truly made-in-Canada farm bill that would include improving the producers' position in the value chain, which was at the core of a recent report from our committee that focused solely on the opportunities of value-added processes so the farmers' income did not stop cold at the farm gate. The next issue deals with aiming towards investing throughout the entire production chain the infrastructure required to foster the use of biofuels. This is an issue that has been repeatedly brought forward by our witnesses and our senators, particularly Senator Mercer and Senator Mitchell.

The bill would also include investing in research and innovation, incentives for producers as providers of social benefits beyond food production such as environmental benefits. The new farm bill would include an aggressive trade strategy that finally benefits farmers through the World Trade Organization and bilateral agreements.

Many honourable senators in this chamber will know that there has been growing government concern and attention to a number of the issues highlighted in these two recommendations.

Work is always vigorous in the field of research; for instance, for long-term viability and growth. We as Canadians can boast of having the very best scientists in the world. We have been very active participants in the World Trade Organization meetings, refusing to simply accept the actions of the European Union and the United States and continuously pushing for the end of all forms of export subsidies, substantial reduction in trade distorting subsidies and pressure for significant market access improvement.

We will be vigorous and vocal during the talks ahead in Geneva. However, we will not forget that a report such as this would not be necessary if our Canadian farmers had not been blocked out of the marketplace time and again as a result of the actions of the European Union and our neighbours to the south. The American farm bill has brought great revenues into the pockets of their producers, while ours are losing not only their dollars but also their international market access. We do not expect magic solutions from the WTO attitude on subsidies. Our minister, David Emerson, vigorously reminded the committee that Canada must pull up its socks and invest its resources and talent in bilateral trade agreements to open up markets around the world. This is the course that many smaller countries and smaller players in this rugged business are doing right now. Canada, long known and respected as a trading nation, should be leading the pack.

Mr. Emerson and his officials are working hard on an approach that will hopefully lead us vigorously into regional agreements. The United States is already hard at it, which is a signal that we have to jump in to protect and expand our market share. At the centre of all this must be a strong commitment to and involvement with our farmers on the ground or it simply will not work, not for them and not for our country.

Over the years, I and others have talked about the necessity of a truly Canadian farm bill, but other pressures have always prevailed. Now is the time to move on with plans and support that will go far beyond our current agricultural policy framework. We must never forget, at the core of all these concerns we still have the finest, smartest and most committed farmers in the world. Throughout our history, their production has been one of our strongest foundations and one that is all too often taken for granted in the urban world of supermarkets. We have a valid future in our farm community if we, as individual citizens at every level, rural or urban, understand and support the value of our land and those who care for it and produce for us and the world.

They are hurting, honourable senators, and their families are hurting. Without their strength and support, our rural infrastructure of small towns and villages will hurt. Some will quietly shut down, which would profoundly affect smaller cities such as mine in Lethbridge, Alberta, which benefits hugely from the strength of surrounding agriculture land and the farmers who work it.

In recent years, we have continuously been hearing this from witnesses before our committee. They are still committed to their land and to their way of life, but they are growing in anxiety that their young people, their daughters and sons, will not be willing to pick up the family history and keep it growing.

Honourable senators, over the summer our researchers and committee staff will work on a plan to help us engage in a study. It has been promoted in the past within this country by Senator Segal, and it will be a study on the extent of rural poverty and what a country that cares is prepared to do about it.

• (1910)

In the fall, with your support, our committee will travel across the country to see the reality for ourselves and bring every bit of encouragement that this government and this Parliament is prepared to offer. We will seek to understand the reality of rural poverty and bring messages of support, assistance and progress through participation in new areas such as biodiesel and ethanol plants, strongly supported by Senators Mitchell and Mercer. We will talk about infrastructure development in transportation, waterworks, management systems and environmental programs. We will try to explain the process of words and persuasion that we are promoting in Ottawa and that the government and Parliament are trying to convey in the world of international trade — exactly what Canada does best.

This report has provided a foundation for a path forward. Farmers who spoke out in my area last weekend vigorously support the notion of a "farmers first" policy. They are proud and independent, but they are also realistic in their concerns.

Andy Kovacs, from Lethbridge, representing the Alberta Soft Wheat Producers Commission, on hearing about our report, said that short- and long-term solutions to agriculture problems are essential and government has to decide to make a viable investment in the business. He said, "We in agriculture don't want to keep running back to government for money."

Merv Cradduck of Purple Springs, Director for Wild Rose Agricultural Producers, was all for the "farmers first" policy and noted, "One thing we must be aware of is that farmers have very little power in our economic system, and they must find ways to get some rather than having to keep running back to government for money." Many would agree with those words.

Honourable senators have a chance to make that happen, not only for the benefit of those who produce, but also for the security of the consumers of our urban centres who really do not understand where their bread and beef is coming from and what they must do to support our agriculture community in its effort to protect an independent future for its farmers and their families across this land. They are a foundation piece of our country's future, and I hope that all honourable senators will support this report as well as our efforts to carry it further in the months ahead, because we simply cannot — must not — let our farmers down.

On motion of Senator Comeau, for Senator Gustafson, debate adjourned.

[*Translation*]

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled *Moving Forward on Early Learning and Child Care*, as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(*Honourable Senator Fraser*)

Hon. Maria Chaput: Honourable senators, I would first like to thank the Honourable Senator Trenholme Counsell for her inquiry regarding the agreements in principle signed by the Government of Canada and the provincial governments between April 29 and November 25, 2005, entitled *Moving Forward on Early Learning and Child Care.*

My intervention today will pertain largely to the agreement with Manitoba.

In Manitoba on November 18, 2005, we received a news release entitled: Governments of Canada and Manitoba Sign Funding Agreement on Early Learning and Child Care.

Under this agreement, Manitoba would receive $174.4 million over five years to support its early learning and child care goals. Manitoba had already signed an agreement in principle on April 29, 2005, in which it committed to release an action plan identifying its priorities and how it intended to meet them.

The November 18, 2005, announcement was a further indication that we were on our way to realizing a high-quality, developmental-based system of early learning and child care across the country.

The signing of this funding agreement meant that children and families would very soon be seeing decreased waiting lists and more affordable child care, and that early childhood educators would have more training opportunities.

The agreement in principle signed on April 29, 2005, included a language clause for the Francophone communities in Manitoba, a first in our history. The funding agreement signed on November 18, 2005, recognized their particular needs and the programs they would require as a result.

Accordingly, Francophones in Manitoba were party to those agreements in their own right and fully equal to the Anglophone majority, the provincial government and the federal government.

Honourable senators, Manitoba's Action Plan—Key Objectives describes how Manitoba intends to invest new federal funds to meet the targets initially set. It also outlines how the Province will meet the objectives of the 2005 agreement in principle between Manitoba and the Government of Canada.

Manitoba's plans are based on what the citizens of the province have said are their main priorities in order to improve early learning and child care services in Manitoba.

Manitoba's action plan, which includes all stakeholders in early child care, presents funding for five key areas: first, workforce stabilization and development; second, sustainability of existing non-profit centres; third, affordability and accessibility of child care; fourth, improving quality environments; and fifth, additional steps to enhance quality.

Thus, this initiative will be guided by the QUAD principles: quality, universal inclusiveness, accessibility, and development. Manitoba is committed to reaching specific goals and the results will be communicated to Manitobans in annual reports on early childhood development.

Manitoba's action plan and its key objectives for the first two years of the federal government's financial commitment included targets and objectives as well as the plan's key principle. For example: providing funding to allow average salaries for early childhood educators to be $27,000 to $30,000 annually; funding for 3,000 more spaces including 120 spaces in French-language programs; funding to allow 200 nursery school spaces to be offered at a reduced parent fee to provide better access for more low-income families; funding to support the building, renovation or expansion of 50 child care centres; 30 per cent of all early learning and child care renovation or capital development to be in school buildings.

All this, honourable senators, was in the plan developed between the province, the federal government and the community.

The plan also indicated that the first two years of federal funding would support the stabilization of Manitoba's early learning and child care workforce and the licensed, not-for-profit delivery system. This would set the stage for continued improvements and further expansion which would be possible because of expected increases to federal funding beginning in 2007-08.

• (1920)

[*English*]

In March, 2006, the Manitoba Child Care Association issued a statement, "What's Happening with Child Care in Manitoba?" In the statement, they talked about the change that took place after the 2006 federal election and the new federal government providing notice that they will terminate the learning and child care funding agreements effective 2007. Here are some of their concerns:

Manitoba has already disbursed first-year federal funds of more than $20 million to enhance quality and support operations in existing and new learning and child care programs. Will those funds be clawed back from child care centres and family child care homes, throwing over 1,000 programs into financial chaos? Will the province find replacement child care dollars within Manitoba's budget, or will parents' fees increase to offset the loss of federal dollars? Also, most licensed child care programs in Manitoba have long waiting lists, and many communities do not yet have any regulated child care services.

Honourable senators, what will be lost in Manitoba when the bilateral agreement is terminated in 2007? To begin with, there will be no federal funding in years three, four and five of the agreement.

What are some of the things that are at risk without federal funding? Some examples include: The freeze on maximum fees; the start-up grants to support full inclusion of children with disabilities; additional funds to support the building, renovation and/or expansion of 50 child care centres, many of them with our schools.

Honourable senators, over the years, the family has changed. Mothers with preschool children are now in the workforce and contribute $27 billion per year to the Canadian economy. Many parents are fortunate to have family or community members willing and able to babysit. Parents may work opposite shifts but may recruit a retired but still energetic grandparent. These informal arrangements can work well, as long as there is a match of child rearing philosophies and language.

[*Translation*]

On Wednesday, June 20, 2006, the Child Care Advocacy Association of Canada issued a press release with the headline, "Poll Shows Canadians Rejecting Government Child Care Allowance". And I quote:

> The results of a poll released today show that Canadians are rejecting Stephen Harper's plan to distribute a $1,200 child allowance to parents with children under six years of age. The Environics poll asked more than 2,000 Canadians their views on child care and the response was clear—76 per cent of Canadians support a national affordable child care strategy such as the 2004 federal-provincial agreement that was cancelled by the Conservative government.

More importantly for the minority Conservative government, many Canadians are saying that their opposition to the child care allowance is enough to influence how they will vote in the next federal election. This is also true for onethird of Conservative voters.

This will be a major issue in the next election, predicts Monica Lysack, Executive Director of the Child Care Advocacy Association of Canada. Stephen Harper should be very worried.

> Canadians perceive the Conservative allowance as an effort to buy them off as cheaply as possible, without actually solving the problem...

Laurel Rothman, the National Director of Campaign 2000, a campaign to end child poverty, had this to say:

> After taxes and the loss of other benefits like the young child supplement, the net benefit will actually be much lower than $1,200 for many Canadians.

In fact, families in the lower middle-income range will take home the least — as little as $301. Ms. Rothman asks:

> Compare $301 to the cost of full-time, regulated child care — which can be as much as $12,000 a year — and tell me, who is this going to help?

It turns out that families in the highest income bracket will receive the most from Harper's plan, with net benefits of $971. Ms. Rothman notes that Campaign 2000 supports an equitable child benefit and funding for a universal child care system.

In closing, I would like to point out once again the particular needs of francophones living in a minority situation with regard to the critical period for learning language in early childhood.

Establishing a range of services to be provided in early childhood to foster the development of language, culture and identity of a young child and encourage his or her future participation in French-language education always emerges as a priority for ensuring the survival of minority francophone communities.

On Tuesday, March 25, 2006, my honourable colleague, Senator Segal, asked me this question:

> If I understand correctly, you suggested at the start of your remarks that Conservative policy will restrict the growth of French-Canadian culture and education outside Quebec. Am I to understand that, in your opinion, this is the purpose of our policy? Am I correct in my understanding of your remarks here before your colleagues in the Senate of Canada?

Today I would like to reiterate my answer to him. Early support and intervention are essential to preserving the cultural and linguistic heritage of francophones in minority communities, as well as to the success of their schools.

Abolishing agreements in principle that included a linguistic clause to protect us was the first step. Without funding agreements — in this case, a five-year funding commitment by the federal government — the Government of Manitoba, which supports us, will be unable to improve early childhood services in French on its own.

The first two years of federal funding were intended to help stabilize workers in education and in the accredited, non-profit daycare system. That would have created the necessary conditions for improving and expanding services, achievements that would have been made possible by federal funding planned to begin in 2007-08. The new federal funding would not have replaced current provincial investments. On the contrary, it would have made it possible to improve and expand Manitoba's early learning and child care systems.

Francophones in Manitoba will lose early childhood services, daycare spaces linked to their French schools, and a course at the Collège universitaire de Saint-Boniface. You have asked whether the Conservative policy would reduce or limit the development of French culture and education outside Quebec? My answer is still yes, but a qualified yes.

I do not think that the purpose of the Conservative government's policy was to undermine minority language rights in Canada. The Conservative government made amendments to strengthen the Official Languages Act and, in its election platform, expressed support for official languages in Canada.

Rather, I believe that this policy was developed by a new government that had not sufficiently studied its negative impact on the development of children in Canada and official language minority communities in Canada.

On motion of Senator Fraser, debate adjourned.

• (1930)

THE SENATE

AMENDMENT TO THE CONSTITUTION OF CANADA— WESTERN PROVINCIAL REPRESENTATION— DEBATE ADJOURNED

Hon. Lowell Murray, pursuant to notice of June 22, 2006, moved:

That:

Whereas an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assemblies of the provinces as provided for in section 38 of the *Constitution Act, 1982*;

And whereas it is desirable to amend the Constitution of Canada to provide for a better balance of western regional representation in the Senate;

And whereas it is desirable that the 24 seats in the Senate currently representing the division of the western provinces be distributed among the prairie provinces of Manitoba, Saskatchewan, and Alberta, and that British Columbia be made a separate division represented by 12 Senators;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE
AMENDMENT TO THE CONSTITUTION OF CANADA

1. Sections 21 and 22 of the *Constitution Act, 1867* are replaced by the following:

"**21.** The Senate shall, subject to the Provisions of this Act, consist of One hundred and seventeen Members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of Five Divisions:

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia and New Brunswick, and Prince Edward Island;
4. The Prairie Provinces of Manitoba, Saskatchewan, and Alberta;
5. British Columbia;

which Five Divisions shall (subject to the Provisions of this Act) be represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; the Maritime Provinces and Prince Edward Island by Twenty-four Senators, Ten thereof representing Nova Scotia, Ten thereof representing New Brunswick,

and Four thereof representing Prince Edward Island; the Prairie Provinces by Twenty-four Senators, Seven thereof representing Manitoba, Seven thereof representing Saskatchewan, and Ten thereof representing Alberta; British Columbia by Twelve Senators; Newfoundland and Labrador shall be entitled to be represented in the Senate by Six Senators; Yukon, the Northwest Territories and Nunavut shall be entitled to be represented in the Senate by One Senator each.

In the Case of Quebec, each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada."

2. Sections 26 to 28 of the Act are replaced by the following:

"**26.** If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Five or Ten Members be added to the Senate, the Governor General may by Summons to Five or Ten qualified Persons (as the Case may be), representing equally the Five Divisions of Canada, add to the Senate accordingly.

27. In case of such Addition being at any Time made, the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, to represent one of the Five Divisions until such Division is represented by Twenty-four Senators or, in the case of British Columbia, Twelve Senators, and no more.

28. The Number of Senators shall not at any Time exceed One hundred and twenty-seven."

CITATION

3. This Amendment may be cited as the Constitution Amendment, [year of proclamation] (western provincial representation in the Senate).

He said: Honourable senators, as our former colleagues Senators MacEachen and Frith repeatedly reminded me during the debates in the 1980s, the Senate is an independent player in the constitutional amendment process. If the motion before us now is passed by the Senate, the next step will be to refer it to the other players: the provincial legislatures and the House of Commons.

Of course, the three-year time period between the adoption of the initial resolution and its proclamation applies to this initiative, as it does to any proposed amendment introduced under subsection 38(1). In addition, the 1996 federal Constitutional Amendments Act on so-called regional vetoes applies only to proposed amendments introduced by a minister of the Crown and therefore does not apply in this case.

In 1867, the Senate had 72 seats: 24 for Quebec, 24 for Ontario and 24 for the Maritime provinces. The 24 seats for the Maritimes, which were to be divided 10-10-4 between Nova Scotia, New Brunswick and Prince Edward Island, were divided 12-12 between Nova Scotia and New Brunswick pending Prince Edward Island's decision to join Confederation.

When Prince Edward Island joined in 1873, it was granted its four seats, and Nova Scotia and New Brunswick each lost two seats.

The Fathers of Confederation had also planned for Newfoundland's future entry into Canada by reserving four Senate seats for the former colony. As it happened, during the negotiations that preceded their province's 1949 entry into Confederation, Newfoundlanders managed to obtain six seats.

Similar arrangements were made for the future western provinces in the resolutions of the Quebec Conference in 1865 and were enshrined in the Constitution Act, 1867:

[*English*]

The North Western Territory, British Columbia and Vancouver shall be admitted into the Union on such terms and conditions as the Parliament of the Federated Provinces shall deem equitable.

[*Translation*]

Three years later, the Manitoba Act of 1870 gave that province two seats in the Senate and subsequently three and then four as the population grew.

In 1871, British Columbia was given three seats. In 1905, Alberta and Saskatchewan each obtained four seats on the condition that their representation could reach six seats after the next census. It was the Constitution Act, 1915, that created the Western division with 24 senators equally divided among the four provinces. Since 1975, the Northwest Territories and the Yukon, and since 1999, Nunavut, have been entitled to representation in the Senate.

From this brief history I note that governments in days gone by adjusted representation in the Senate according to current or anticipated political and demographic changes.

[*English*]

The Fathers of Confederation foresaw the entry of the western provinces into confederation and made provision for their representation in the Senate. They also foresaw population growth in those sparsely settled areas and made provision for the number of senators from those provinces to increase over time. The Constitution Act 1915 created the western division, with 24 seats equally divided among the four provinces.

The process of adjustment to reality in western Canada stopped in 1915. In terms of western representation, the Senate has stood still for more than 90 years. The geographic, demographic, cultural, political and economic realities of western Canada are underrepresented in this place. Western Canada's importance in this country is not properly reflected in the composition of this chamber. In that respect, we are deficient as a national institution. Whether we are appointed or elected, whether senators serve to the age of 75 or for a fixed term of eight years, the gross under-representation of western Canada is indefensible. Even if no other change were made to the Senate, this ought to be put right.

Honourable senators will recall that after the Quebec referendum of 1995, the Chrétien government brought in the Constitutional Amendments Act, which imposed on the federal government a formula requiring consent of a majority of provinces in four regions before a minister of the Crown can proceed with constitutional amendments under section 38. The inclusion of British Columbia as part of the western region in the bill brought on strong protests in that province and in both houses of our federal Parliament. After trying unsuccessfully to calm the protests with soft-soap reassurances, the government finally gave way and amended the bill to acknowledge the reality of British Columbia as a distinctive fifth region. During the debate in the House of Commons, on November 30, 1995, the Reform MP for Calgary West, Mr. Stephen Harper, weighed in as follows:

> British Columbia is obviously a distinctive and strong region with a vibrant economy, a great future regardless of what happens politically in this country. It is growing. It is larger both in terms of geography and population than all of the Atlantic provinces combined. It is certainly not going to view itself as part of some western region. Why, then, has it been defined this way?

To which Senator Austin and I offer a hearty hear, hear!

Senator Tkachuk: Hear, hear, too!

Senator Murray: On December 11, 1995, Justice Minister Allan Rock explained the government's change of policy. The province's economy, he said, and its position on the Pacific,

> ...make it different from the provinces in the prairies. This recognition coincides with the position that B.C. governments have taken for over 20 years. Indeed it was a position of Premier W.A.C. Bennett in 1971 that British Columbia should be recognized for constitutional purposes as a separate region.

In our proposed amendment, we would raise British Columbia's representation from its present six to 12 senators. The amendment proposes to bring the new western division to 24 senators, an increase of four for Alberta and one each for Saskatchewan and Manitoba.

I anticipate objection being made to this motion on the grounds that it is not timely to "reopen the Constitution." To that objection, I would offer two arguments. First, by trying to act unilaterally and use Section 44 of the Constitution to bring in a fixed term of eight years for senators, and by suggesting that the federal government, again acting unilaterally, can achieve an elected Senate by circumventing the constitution, Prime Minister Harper has reopened the larger issue.

• (1940)

He knows there is a serious imbalance in regional representation affecting western Canada. Does he believe, as with a fixed term and election of senators, the regional imbalance can be corrected by some unilateral unconstitutional tinkering? What about powers? Does anybody believe that they can be addressed effectively outside of the constitutional amending process?

The amending formula is less than 25 years old. The first ministers who devised it obviously wanted to ensure that important changes to the Senate were placed beyond the reach of Ottawa acting alone, and this is what they did ensure with the amending formula. If this amendment is approved by the Senate, and begins to gather provincial support, we will be on the way to creating an important building block for Senate reform.

The government may be emboldened to move on election, terms of office, and powers in the same way — the right way, within the Constitution, not outside of it.

Second, I do not believe we should be spooked forever by the fact that attempts since 1982 to make substantive amendments to the Constitution have failed. If the Senate approves this proposed amendment, there will be three years ahead in which the provinces and the House of Commons can take it up. At least we will have focussed some attention and some debate on an issue of fairness to western Canada that ought to be of interest and concern to the whole country.

Some Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: Anyone who speaks of reform of the Senate can do nothing but attract all of our attention. I sat on the committee on the reform of the Constitution in 1970, and we went all across Canada with Mr. Molgat, the co-chair with Mr. McGuigan, who became the Minister of Justice. The questions especially dealt with that aspect of the Senate. Every proposal on earth was put forward to the committee and one which we agonized with, was of this kind — honourable senators will see in the library, the report on the Constitution, 1970/71. We went all across Canada for one year, and I mean every part, including places in Quebec where they did not want us to sit. I decided that over the Senate's body we were going to sit and with patience we succeeded in sitting where we were not even welcome.

The difficulty that I see in this — and the honourable senator will help me in my reflection — is that by adding 12 to British Columbia, it fits very well. Anybody who is educated like me in the classical education, knows that Canada is made up of five regions. All French Canadians were taught that Canada is made up of five regions: La Colombique-Britannique — they could not come to terms to call it British Columbia — the Prairies, Ontario, Quebec and the Atlantic provinces. That was the teaching I went through.

We now have a proposal for 24 seats, and the honourable senator has a good point, that the 24 should be divided. Does that mean divided equally? I can assure honourable senators, there will be quite an uproar by the people of Alberta if the 24 seats were divided amongst the three provinces, as I seem to understand the motion. Will these 24 be divided equally with eight for each of the three Prairie provinces and 12 for British Columbia?

I would like to get the view of the honourable senator at this point.

Senator Murray: Honourable senators, the proposal in the motion to amend is to divide the 24 senators in the Western region; 10 to Alberta and seven each to Saskatchewan and Manitoba.

Hon. Jack Austin: Honourable senators, as the seconder of this motion, I wish to add just a few comments to the presentation of my colleague, Senator Murray.

On May 26 last, Prime Minister Stephen Harper, in a speech to the Victoria Chamber of Commerce, gave four interesting undertakings.

The first was to move forward his democratic reform program. The second was to ensure that B.C. be given its fair share of seats in the House of Commons. The third was that election dates be fixed at four years, which would place the next federal election in 2009. The fourth was that the Senate be reformed to better reflect the regions.

It is that last undertaking, or particularly the issue of a fairer representation in the Senate for British Columbia and the Prairie provinces that is addressed by this resolution.

On June 1, Premier Gordon Campbell responded publicly to the Prime Minister's reference to the Senate by stating that B.C. should be treated as a fifth region, with 20 per cent of the seats. As is well known, B.C. and Alberta have 23 per cent of the Canadian population, but with 12 Senate seats between them, they have about 12 per cent of Senate seats, or about half of their representational entitlement.

The Vancouver Sun, in a June 2 editorial about the Senate, stated:

> Real reform would start with a seat redistribution to recognize the rise of the west.

The editorial continued:

> ... Harper should stick to his other priorities rather than frittering around at the margins with the kind of half-hearted measures he has proposed so far.

In any event, the first issue in Senate reform is to meet the expectations of British Columbia, Alberta, and the other Prairie provinces, that, as key regions of Canada, they have a fair and equitable representation in this chamber of Parliament. A chamber that has primary responsibility to represent the regions of our country.

Without meeting this western expectation, reform of the Senate will not be supported in any constitutional process — not by the prairie region and not by the British Columbia region.

This resolution is not intended to reapportion Senate seats. Quite frankly, it is a part of the role of the Senate to reinforce the parliamentary presence of the lesser populated provinces.

It is appropriate that the provinces of Saskatchewan and Manitoba, with populations of about 1 million each, be represented by seven senators each while B.C., with 4.2 million people, has only 12 senators.

It is also appropriate that the four Atlantic provinces be represented by 30 senators while their population in total is less than half of British Columbia, which here is proposed to have 12 seats, having now only six seats.

To be noted, Quebec has 24 Senate seats, which is in line with its proportion of the Canadian population. This resolution would bring B.C. and Alberta in line with Quebec, although they would have two less seats in the Senate and have about half a million more in population. Nonetheless, that is fair enough.

Again, I repeat my conviction that the lesser populated provinces are entitled to a larger role in the Senate to offset the dominant legislative role which is held by the large provinces of Ontario and Quebec. That was the wise intention of the framers of the Constitution.

As to Ontario, its representation in the Senate is substantially below its population ratio, but then its representation in the House of Commons is more than one-third of its total members.

The Senate was correctly founded at Confederation to be a balance for the regions against the rise in population and the dominance thereby of the House of Commons representation by a single region or two regions of Canada.

• (1950)

The result of the passage of this resolution by the Senate, House of Commons and seven provinces, representing 50.1 per cent of Canada's population, would be to create a Senate of 117 members. That is possibly an even more workable number than today, given the increased legislative and policy work in the Senate that we have assumed.

I have said that the Senate representation is the first step in any changes that are to be effective in the Senate. The second step relates to the method of selecting senators.

As Senator Murray has said, Bill S-4 is one proposal and there are many others — in my view, better ones, but I will keep those for another day.

The third step relates to the legislative authority of the Senate and its relation to the House of Commons and the executive branch of government. Senator Murray mentioned this point. That, too, for me is for another day.

All of these changes, including those proposed by Bill S-4, require constitutional process, including the participation of the provinces. In the past, constitutional change has experienced much political trading, wish lists and subject matter far from the intended agenda. Here I think of the Charlottetown agreement.

My hope is that this change will not raise what has been called "horse trading." It is not a proposal of any government in Canada, but of the Senate. We have nothing to trade. We offer a constructive first step in constitutional reform of the Senate.

Should it be the judgment of the Senate to adopt this resolution, it will be sent to the House of Commons and to the provinces to consider. It is proper for the Senate to act. No part of the political system has more responsibility for proper representation of our regions and divisions than the Senate.

This is the place to begin a process of reform with a fair and equitable measure, which will build goodwill for other steps that may come in due course.

Honourable senators, I recommend the adoption of this resolution; and if the chamber is ready, I would move that the resolution be referred to the Special Senate Committee on Senate Reform. This will permit the matter to be considered until —

Hon. David Tkachuk: Would the honourable senator take a question?

Senator Murray: I would love to adopt it. However, once we have adopted it, it is adopted. I think we cannot do both. Somebody may want to adjourn the debate.

Senator Tkachuk: I would like to ask a question.

Senator Murray: I wanted to make the point that the motion would not be to adopt the motion; it is not a second reading. The motion would be to refer it.

Senator Austin: My motion would be that the resolution be not read a second time, but the subject matter thereof be referred to the Special Senate Committee.

The Hon. the Speaker: Honourable senators, what is before the house is a motion that speaks to a constitutional resolution; it is quite unlike a bill.

Senator Austin, you have the floor to conclude your remarks on the motion for the resolution that is before the house.

Senator Austin: I made my remarks, honourable senators. I would like to have the Senate examine this resolution.

Senator Tkachuk: Would the senator take a question?

Senator Austin: Yes, I will in a moment. I would like to deal first with the question in front of us. At the appropriate time I will propose that the subject matter of this resolution be referred to the Special Senate Committee on Senate Reform.

Senator Tkachuk: Just so it is clear, after I ask a question, then I can either move the adjournment or someone else can move the adjournment, is that not correct, Your Honour? I want to know what is happening here.

The Hon. the Speaker: Senator Austin has concluded with a motion, which would be a motion to amend the question that is before us. If Senator Austin wants to have it put before the house, it has to be an amendment.

Senator Austin: The resolution proposes a constitutional change. I will propose, at the end of the debate, that the subject matter of the resolution be referred to a committee, and that the resolution stay on the Order Paper, and remain on the *Order Paper and Notice Paper* until the Senate determines to dispose of it.

Senator Tkachuk: Your Honour, I asked Senator Austin if he would take a question. He said he would after he got the other matter resolved. I thought he was resolving how the process should move forward, but now he has made the motion.

Senator Austin: No, no; I am just explaining the process.

Senator Tkachuk: Is he explaining his intention?

Senator Austin: Yes, that is correct.

The Hon. the Speaker: We are still on Senator Austin's time. He has concluded his remarks. He has not concluded completely, but Senator Tkachuk has asked to ask Senator Austin a question and you have the floor to do so.

Senator Tkachuk: Honourable senators, on the question of regions, on the basis that the Senate is here to represent areas of the country that are unrepresented in the House of Commons because of the population. Both of the previous interventions have explained that Ontario and Quebec have 24 and the Maritimes has 24 as well. We have recognized the fact that regions get 24 senators, because Ontario got 24, Quebec got 24, the Maritimes got 24. At that time, the Maritimes were pretty small provinces. They originally had 24 in the Maritime provinces.

If the Prairies are also a region, because the motion asks for 24, then I would ask Senator Austin, given the argument that B.C. is a region, why would it only be considered half a region with 12 senators, when it really should have 24? That is what I think. That is what I would support. A region is a region is a region; you do not have a region and half a region.

Senator Austin: I am subject to persuasion.

Senator St. Germain: I am persuading you.

Senator Austin: The Constitution Act, 1867, formerly called the British North America Act, created three divisions in the Senate: Quebec, Ontario and the Maritime division. As Senator Murray has capably explained, over time, changes have taken place. The three northern territories are not part of a division. There is a fourth division, Western Canada, which is the four western provinces. Newfoundland is not part of a division; it has six senators, but it is not part of a division.

What we are proposing to do is to carry forward the intentions of so many people. Senator Murray referred to the present Prime Minister, Mr. Harper; and before that, many have expressed the willingness to see British Columbia have a separate division. I certainly support it and this resolution creates it constitutionally, if it goes through the full constitutional process.

As to the 12 versus 24, quite frankly, I believe that 24 senators for British Columbia is an imbalance in the Western Canadian formula. It is logical in the sense of the past, but I believe that, for the time being, 12 senators are acceptable to the regions of the country and its political leadership. As British Columbia may grow and become a more significant economy and a larger population, as Senator Murray has said, a fair and equitable representation is a subject that can be re-addressed at a future time.

• (2000)

Senator Tkachuk: How does the formula work? It seems to me that the more the population grows in B.C., the more members of Parliament they have and the less reason they have for more senators. The population of Ontario and Quebec has grown

substantially since Confederation and they still have only 24 senators. How do you reach such a figure? This is an illogical answer to why B.C. should have 12 senators when in reality it should have 24, like Ontario, Quebec and the three Maritime provinces. Newfoundland was a special consideration being a new province joining Confederation in 1949 and received six senators. In the North, we have territories as part of the federal landscape governed by Ottawa. There is argument to be made that they should not have any senators at all.

Senator Austin: At my suggestion, we have proposed that British Columbia have 12 senators, which puts the province in about the position of its population relative to the population of Canada. If British Columbia grows, then fairness and equity would raise its entitlement to the full 24.

The Hon. the Speaker: Honourable senators, Senator Austin's time has expired. However, if he were to ask for an extension, would leave be granted that he would have five more minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I would agree to five minutes.

The Hon. the Speaker: I would encourage honourable senators to look at rule 59(2) of the *Rules of the Senate*, which states that notice is not required for referral of a question to a committee. We have a question, it is a resolution and it is not a bill. Therefore, the house could entertain the question of referring this resolution to a committee but not the subject matter. However, that motion is totally debatable, adjournable, et cetera.

Senator Austin: I thank the Honourable Senator for his assistance. Certainly, I would like to see the resolution referred to committee for consideration, given that a committee was established in the Senate to deal with Senate reform. It would be most appropriate if the committee considered this question of Western representation.

Hon. Gerry St. Germain: Honourable senators, I have a question. Senator Austin knows the potential growth of Western Canada. Is there an allowance in this resolution for an adjustment of numbers of senators when a population increase occurs? Is there a built-in mechanism to deal with an increase in population in these provinces? As Senator Tkachuk said, if there is to be a division in the West by going through this entire process, why would there not be an automatic trigger for increasing populations to be reflected in increased numbers of senators? Senator Murray experienced the Meech Lake and Charlottetown talks and knows how difficult it is to make Constitutional changes.

Senator Austin: Senator St. Germain, we considered that possibility but the complexity of a formula would probably bring this resolution to a halt. We determined to keep it simple and equitable by explaining that B.C. is to receive that proportion of the Senate that represents its current population and leave the resolution of its future entitlement to the future. In that way, we might see the provinces come together to support this resolution, which is an advance on our current situation.

On motion of Senator Comeau, debate adjourned.

DALAI LAMA

MOTION TO BESTOW HONORARY CITIZENSHIP—DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of earlier this day, moved:

That

Whereas Tenzin Gyatso, the fourteenth Dalai Lama of Tibet, has been recognized with the Nobel Peace Prize as one of the world's leading champions of peace and non-violence;

Whereas His Holiness the Dalai Lama will visit Canada from September 9th to the 11th of this year; and

Whereas the Senate of Canada has previously acknowledged historic visits to Canada by other leading champions of human dignity, such as Raoul Wallenberg and Nelson Mandela, by adopting motions granting them "honorary Canadian citizenship";

Therefore, the Senate of Canada supports the resolution of the Other Place to bestow the title "honorary Canadian citizen" on His Holiness the Dalai Lama of Tibet.

He said: Honourable senators, thank you for allowing me to speak for a few moments. His Holiness the Dalai Lama has been the promoter of peace, non-violence, compassion and universal values all of his life. The recognition of his life commitment to these fundamental values with the Nobel Peace Prize is a testament to this champion of peace. While world conflicts rage around us, his Holiness continues to eloquently and strongly defend the principles he has embraced his entire life of conflict resolution by non-violent means. The fair and responsible position he has taken for the last 50 years in his attempt to resolve the Tibetan issue is an excellent example of this position. The Dalai Lama will visit Vancouver from September 9-11, 2006. When the Senate rises for the summer recess, it is not expected to resume after his visit. Therefore, today I seek the support of honourable senators to join with the other place in supporting its resolution, which passed unanimously, to bestow the title of Honorary Canadian Citizen on his Holiness, the Dalai Lama.

Hon. Jack Austin: Honourable senators, I would like to ask a question or two of Senator Di Nino. I have no objection to the substance of the resolution and I recognize the pre-eminent role that the Dalai Lama plays in spiritual affairs. However, I would like the honourable senator to assist with the criteria by which individuals are proposed for honorary Canadian citizenship. Raoul Wallenberg sacrificed his life to save his fellow human beings, and Nelson Mandela stood as an imprisoned person and symbol of equality and dignity for his people in South Africa.

The Dalai Lama is a spiritual leader. What the honourable senator said about him is also to be said of former Pope John Paul II and other spiritual leaders. Of course, many Nobel Prize winners could be included. I would imagine that there must be some distinction amongst these people that led the other place and the honourable senator to believe that honorary citizenship was appropriate in this instance. I am looking for the criteria.

• (2010)

Senator Di Nino: I will not speak about others, but as far as His Holiness is concerned, he is a man who, for over 50 years, has been a refugee. He has no country. He is a man who, for over 50 years, has preached and has been recognized with a variety of awards and accolades, particularly by the Nobel Peace Prize some years ago.

He has been a champion of non-violence. He is one of those rare individuals in this world who has stood on a lonely rock many, many times and said that the way to achieve the objective of fairness and the fundamental principle of freedom is not through violence but through non-violent expression.

He has been an icon throughout the world. He has dedicated his whole life to the issue of non-violence. Others may be as deserving, but that is a separate issue, as I said. He is now 71 years old, and for more than 50 years he has steadfastly and constantly preached and continued to live by what he preaches, which is peace, non-violence, respect for others and respect for the positions that others take, even though he may be opposed to them.

He is a unique individual who has affected and influenced those who have had an opportunity to listen to him and to talk to him. Yes, I agree there are probably other people, but I am convinced that His Holiness is among those few unique people in the world who would give honour to our country by being recognized in this way, as well as to honour his work in this area.

Senator Austin: Honourable senators, I recognize the difficulty of laying out any kind of objective criteria. What we have heard from Senator Di Nino is subjective, although it is not less valuable because of that.

I would like to be assured by Senator Di Nino that no part of the criteria relates to any political role on the part of the Dalai Lama.

Senator Di Nino: Neither the House discussions, nor the presentation there, nor my presentation, is intended to reflect politics.

Hon. Tommy Banks: I have a question. It is instruction, I guess. I appreciate that Senator Di Nino's proposal is to follow the lead of the House of Commons, but I read in the newspaper that the House of Commons has decreed that His Holiness is a Canadian citizen.

I would have thought that the declaration of honorary Canadian citizenship ought to be made by Parliament rather than simply and only by the House of Commons. I am wondering whether, in his senior position as Speaker, the Honourable Speaker thinks it appropriate that one of the Houses of Parliament should be able, on its own, to declare someone an honorary Canadian citizen.

The Hon. the Speaker: Honourable senators, I am a servant of the house. Perhaps that kind of question would be best addressed to the proponent of the matter, unless it is a point of order. If a point of order is raised, that is a different matter.

Senator Banks: I do not want to do that.

Senator Di Nino, if this motion had appeared here first, do you think it is appropriate that the Senate by itself should be able to declare His Holiness a Canadian citizen?

Senator Di Nino: I do not know the answer to that, and I do not know that the House has so decreed, in effect. There may have been a newspaper report. I was called by someone and I was told that His Holiness had been made an honorary citizen by the House of Commons. I said that I do not believe His Holiness can be made an honorary citizen until it is passed by the Senate. However, I could be wrong. I tend to agree with the honourable senator.

It was passed in the House of Commons unanimously by all parties. I hope that we would join them in this significant act of recognizing one of the few people in the world who has, in an exemplary manner, preached and practiced peace and non-violence. God knows we need that in the world today.

Hon. Joan Fraser (Deputy Leader of the Opposition): Our side does not have a formal position on this, so I rise simply to make a couple of suggestions to Senator Di Nino. Both suggestions have to do with the wording of the motion.

My first observation is that I think we have a simple inaccuracy here. The honourable senator's motion says that the Senate of Canada has previously acknowledged historic visits to Canada by other leading champions of human dignity, such as Raoul Wallenberg and Nelson Mandela.

I do not believe that Mr. Wallenberg ever visited this country. We decided to grant him honorary citizenship simply out of recognition of the enormous dedication that he had shown to human rights and dignity, but I do not think he was ever here. For the sake of the record, it perhaps would be a good idea to change your motion to that effect.

While we are at it, I have no idea what the law says about who can grant honorary citizenship, but I would like to have a little more information about who does that. Is it the Prime Minister on the recommendation of Parliament? Is it just Parliament? I do not know.

I wonder if Senator Di Nino would like to adjourn this date for the balance of his time and come back tomorrow and give us a little information.

Senator Di Nino: I would be happy to do that. Since we are here tomorrow, hopefully we can deal with it tomorrow. In the meantime, if there are any other questions, I am happy to take them. If I do not have the answers, I will search between now and then.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, I do not know what the title of honorary citizen adds to the nobleness of an individual who has already been awarded the Nobel Peace Prize.

Until now, the debate has taken place in English. Unfortunately, we did not receive the text in both official languages. I only have the English version. I believe that the

Rules of the Senate require that this type of motion be presented to the chamber in both official languages. Given that this was not done, I propose that the debate be adjourned to tomorrow so that I may read the French version of this motion in the *Journals of the Senate*.

[*English*]

The Hon. the Speaker: I was given a copy in both official languages, but they apparently have not been circulated. The chair read it only in English, but we have simultaneous translation.

[*Translation*]

Senator Corbin: Honourable senators, the problem is that no text was distributed. When passing by, I grabbed an English copy that the page had distributed.

I apologize if things were done in order, but it is only now that I learned of this notice of motion. I am certain that the Dalai Lama would like us to respect the rules and regulations of the Senate and of the country.

[*English*]

Senator Di Nino: For the remainder of time I have, as suggested by Senator Fraser, I would be pleased to do that.

On motion of Senator Di Nino, debate adjourned.

The Senate adjourned until Wednesday, June 28, 2006, at 1:30 p.m.

CONTENTS

Tuesday, June 27, 2006

PAGE

SENATORS' STATEMENTS

Visit to United States Senate
Hon. Noël A. Kinsella . . . 652

Proliferation and Misuse of Small Arms and Light Weapons
Hon. Roméo Antonius Dallaire . . . 652

ROUTINE PROCEEDINGS

The Senate
Notice of Motion to Extend Wednesday Sitting.
Hon. Gerald J. Comeau . . . 653

Parliamentary Employment and Staff Relations Act (Bill S-219)
Bill to Amend—First Reading.
Hon. Serge Joyal . . . 653

Scouts Canada (Bill S-1001)
Private Bill to Amend Act of Incorporation—First Reading.
Hon. Consiglio Di Nino . . . 653

Canada-United States Inter-Parliamentary Group
Annual Meeting, May 5-8, 2006—Report Tabled.
Hon. Jerahmiel S. Grafstein . . . 653
Privy Council Policy Research Initiative on Freshwater, May 8-10, 2006—Report Tabled.
Hon. Jerahmiel S. Grafstein . . . 653

Dalai Lama
Notice of Motion to Bestow Honorary Citizenship.
Hon. Consiglio Di Nino . . . 653

QUESTION PERIOD

Finance
Fiscal Imbalance with Quebec.
Hon. Dennis Dawson . . . 653
Hon. Marjory LeBreton . . . 654

The Environment
Kyoto Protocol on Greenhouse Gas Emissions—Quebec's Stance.
Hon. Dennis Dawson . . . 654
Hon. Marjory LeBreton . . . 654

Public Works and Government Services
Support for Le Massif de Petite-Rivière-Saint-François Development.
Hon. Dennis Dawson . . . 654
Hon. Marjory LeBreton . . . 654

National Defence
Long-range Aircraft Procurement—Business Analysis.
Hon. Pierrette Ringuette . . . 655
Hon. Marjory LeBreton . . . 655

Health
International HIV/AIDS Conference—Attendance of Prime Minister.
Hon. Daniel Hays . . . 655
Hon. Marjory LeBreton . . . 655

PAGE

The Environment
Cutting of EnerGuide Program—Comments by Minister of Natural Resources.
Hon. Tommy Banks . . . 656
Hon. Marjory LeBreton . . . 656
Hon. Daniel Hays . . . 656
Hon. Madeleine Plamondon . . . 657

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau . . . 657

Agriculture and Agri-food
Canadian Wheat Board—Possibility of Effecting Dual Marketing. Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 657
Canadian Wheat Board—Future Funding. Question by Senator Hays.
Hon. Gerald J. Comeau (Delayed Answer) . . . 658

The Senate
Tribute to Departing Pages.
The Hon. the Speaker . . . 658

ORDERS OF THE DAY

Federal Accountability Bill (Bill C-2)
Second Reading.
Hon. Joseph A. Day . . . 658
Hon. Gerald J. Comeau . . . 664
Hon. Michael Fortier . . . 665
Hon. Madeleine Plamondon . . . 667
Hon. Anne C. Cools . . . 667
Hon. Tommy Banks . . . 667
Hon. Daniel Hays . . . 668
Hon. Hugh Segal . . . 670
Hon. Serge Joyal . . . 672
Hon. Francis Fox . . . 674
Hon. Gerry St. Germain . . . 676
Hon. Jerahmiel S. Grafstein . . . 679
Referred to Committee . . . 679

Legal and Constitutional Affairs
Committee Authorized to Meet During Sittings of the Senate.
Hon. Donald H. Oliver . . . 679

State Immunity Act (Bill S-218)
Criminal Code
Bill to Amend—Second Reading—Debate Continued.
Hon. Jerahmiel S. Grafstein . . . 679

Financial Administration Act
Bank of Canada Act (Bill S-217)
Bill to Amend—Second Reading—Debate Continued.
Hon. Francis Fox . . . 680

Income Tax Act (Bill S-215)
Bill to Amend—Second Reading—Debate Continued.
Hon. Consiglio Di Nino . . . 681

Foreign Affairs
Budget, Engage Services and Travel—Study on Matters Relating to Africa—Report of Committee Adopted.
Hon. Hugh Segal . . . 683
Hon. Terry Stratton . . . 683

PAGE

National Security and Defence
Budget, Engage Services and Travel—Study on National Security Policy—Report of Committee Adopted.
Hon. Colin Kenny . . . 684
Hon. Terry Stratton . . . 684
Hon. Gerald J. Comeau . . . 684
Hon. David Tkachuk . . . 686

Foreign Affairs
Budget, Engage Services and Travel—Study on Issues Related to Foreign Relations—Report of Committee Adopted.
Hon. Hugh Segal . . . 687

Fisheries and Oceans
Budget, Engage Services and Travel—Study on Issues Relating to New and Evolving Policy Framework for Managing Fisheries and Oceans—Report of Committee Adopted.
Hon. Larry W. Campbell . . . 687
Hon. Terry Stratton . . . 687

Transport and Communications
Budget, Engage Services and Travel—Study on Containerized Freight Traffic—Report of Committee Adopted.
Hon. Lise Bacon . . . 688
Hon. Terry Stratton . . . 688

Banking, Trade and Commerce
Budget and Engage Services—Study on Consumer Issues Arising in Financial Services Sector—Report of Committee Adopted.
Hon. Jerahmiel S. Grafstein . . . 688
Budget and Engage Services—Study on Issues Dealing with Demographic Change—Report of Committee Adopted.
Hon. Jerahmiel S. Grafstein . . . 688

Aboriginal Peoples
Budget, Engage Services and Travel—Study on Involvement of Aboriginal Communities and Businesses in Economic Development Activities—Report of Committee Adopted.
Hon. Gerry St. Germain . . . 688
Hon. Terry Stratton . . . 688
Hon. Wilfred P. Moore . . . 689
Hon. Joan Fraser . . . 689
Budget and Engage Services—Study on Concerns of First Nations Relating to Specific Claims Process—Report of Committee Adopted.
Hon. Gerry St. Germain . . . 689

Banking, Trade and Commerce
Budget and Engage Services—Study on Proceeds of Crime (money laundering) and Terrorist Financing Act—Report of Committee Adopted.
Hon. Jerahmiel S. Grafstein . . . 690

PAGE

Budget and Engage Services—Study on Issues Dealing with Interprovincial Barriers to Trade—Report of Committee Adopted.
Hon. Jerahmiel S. Grafstein . . . 690
Budget, Engage Services and Travel—Study on Present State of Domestic and International Financial System—Report of Committee Adopted.
Hon. Jerahmiel S. Grafstein . . . 690
Hon. Terry Stratton . . . 690

Human Rights
Budget, Engage Services and Travel—Study on International Obligations Regarding Children's Rights and Freedoms—Report of Committee Adopted.
Hon. A. Raynell Andreychuk . . . 690
Hon. Terry Stratton . . . 690
Hon. Percy Downe . . . 691

Rules, Procedures and the Rights of Parliament
Second Report of Committee Adopted.
Hon. Consiglio Di Nino . . . 692

Study on National Security Policy
Interim Report of National Security and Defence Committee Adopted.
Hon. Colin Kenny . . . 692

Study on Present State and Future of Agriculture and Forestry
Interim Report of Agriculture and Forestry Committee—Debate Adjourned.
Hon. Joyce Fairbairn . . . 692

Agreements Between Federal Government and Provinces and Territories on Child Care
Inquiry—Debate Continued.
Hon. Maria Chaput . . . 694

The Senate
Amendment to the Constitution of Canada—Western Provincial Representation—Debate Adjourned.
Hon. Lowell Murray . . . 696
Hon. Marcel Prud'homme . . . 698
Hon. Jack Austin . . . 699
Hon. David Tkachuk . . . 700
Hon. Gerald J. Comeau . . . 701
Hon. Gerry St. Germain . . . 701

Dalai Lama
Motion to Bestow Honorary Citizenship—Debate Adjourned.
Hon. Consiglio Di Nino . . . 701
Hon. Jack Austin . . . 701
Hon. Tommy Banks . . . 702
Hon. Joan Fraser . . . 702
Hon. Eymard G. Corbin . . . 702

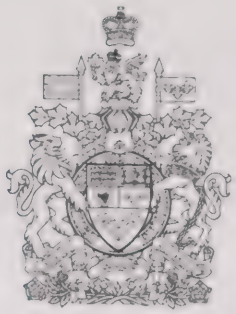
MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5

Government
Publications



CANADA

LIBRARY

Debates of the Senate

1st SESSION • 39th PARLIAMENT • VOLUME 143 • NUMBER 29

OFFICIAL REPORT
(HANSARD)

Wednesday, June 28, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: http://www.parl.gc.ca

THE SENATE

Wednesday, June 28, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

YUKON RIVER QUEST

Hon. Ione Christensen: Honourable senators, I have told you about the Yukon Quest, the toughest dog race in the world. Today I am going to tell you about another quest, the Yukon River Quest, the world's longest canoe race. Yes, everything in the Yukon is big.

Seven years ago today, my daughter-in-law and I under the team name Generation Gap 99, left Whitehorse by canoe in the first International Yukon River Quest. There were 15 teams in that first race, but today at 11:30 a.m., just about now, 75 teams with 167 paddlers will leave Whitehorse for the seventh annual 740-kilometer race to Dawson City. Two person canoes, single tandem kayaks and a voyageur canoe paddled by breast cancer survivors all make up the competitors for this challenging adventure. There were only two mandatory stops, one seven-hour break at Carmacks, a third of the way, and one three-hour stop at Kirkman Creek, which is two thirds of the way. For the serious racers, these will be the only stops they will make. The race is usually completed with the winners arriving in Dawson City between 47 hours and 65 hours after leaving Whitehorse. It is a gruelling undertaking that tests the stamina of the competitors and on arriving at Dawson City, racers are seldom able to exit their boats without assistance. Eating, drinking, resting and answering the call of nature are all ingeniously managed without leaving the vessel. This is not a race for the faint of heart and I look forward to the records being broken this year and invite all senators who are enthusiastic paddlers to come to the Yukon and enter the race next year.

• (1335)

UNIVERSITY OF OTTAWA AND UNIVERSITY OF MICHIGAN LAW PROGRAM

Hon. David Tkachuk: Honourable senators, I would like to draw your attention to a program from which I had the pleasure of hosting one of its interns. This year, I hosted a young man, Glenn Carbol, who has worked in my office as a legal intern for the last six weeks. Glenn is one of the students in the joint law program between the University of Ottawa Faculty of Law and the Michigan State University College of Law. This worthwhile program allows students from the U.S. and Canada to spend two years at each institution and earn both an American law degree and a Canadian law degree in just four years. The program is currently in its twentieth year and is designed to provide law students with an educational experience regarding the Canadian political and legal systems at work.

During Glenn's internship in my office, he had the opportunity to work on a Senate public bill, which I introduced on June 15; he has attended several committee meetings of different Senate committees, such as Agriculture and Forestry, National Security and Defence and Banking Trade and Commerce; he has written drafts for statements delivered in the Senate, not just by me but even by another senator; and he has prepared briefing notes and participated in numerous meetings regarding strategy and procedure. He had an opportunity to attend Question Period in both Houses. Honourable senators, working in a senator's office has provided a window into Canada's political process that, most days, we take for granted.

Canada and the U.S. not only share an 8,893-kilometre common border and are signatories to over 300 treaties and agreements that govern their relationship with each other, but both nations are also founding members of the North Atlantic Treaty Organization and the United Nations. As we are often reminded, the United States is also Canada's largest trading partner, where U.S.-Canada surface transportation trade totalled $44 billion in March, the highest monthly level ever recorded, according to the Bureau of Transportation Statistics in the United States.

Joint programs, such as the international and comparative law program that encourage co-operation and, more importantly, understanding, are fundamental to our continued prosperity in North America, especially in light of the complex trade, culture and legal relationships that Canada and the United States have with each other.

Interestingly, the Senate Banking Committee and the Defence Committee meetings that Glenn attended were concerned with border security and trade issues with the United States. These meetings heard testimony from a U.S. Congresswoman, U.S-Canadian trade organizations, Canadian and American tourism authorities and trade and security bureaucrats from both sides of the border. The hearings were an excellent example of what instructors and professors can only describe from past memory, recollection or history, but for Glenn they presented a real-life opportunity for learning — testimony from legislators, stakeholders and concerned organizations.

This unique capacity that we provide is one of the Senate's most valuable attributes and I am pleased that we had an opportunity to host a student in the international comparative law program. I want to thank our intern and the internship program director, Professor John Reifenberg, Jr., for recognizing the value that we may offer, both individually and as an institution, to the educational experience of future legislators and members of the legal profession.

BATTLE OF THE SOMME

NINETIETH ANNIVERSARY

Hon. Jack Austin: Honourable senators, our colleague, Senator Bill Rompkey, is away from the Senate this week on important public business. He is accompanying members of the Royal

Newfoundland Regiment to Europe to celebrate the ninetieth anniversary of the Battle of the Somme, and to honour the extreme sacrifice of the young men of Newfoundland who died in that battle and in the first Great War.

To put it starkly, on July 1, 1916, on the first day of the Battle of the Somme, 733 of 801 men of the 1st Newfoundland Regiment were killed. From their starting position in a British trench, they had to cross a firestorm of German machine gun-covered ground. The British commander paid the men of Newfoundland what he believed was the ultimate compliment:

> It was a magnificent display of trained and disciplined valour, and its assault failed of success because dead men can advance no further.

The bloodbath of the Somme killed more than 310,000 soldiers from the armies of Britain, Canada, France and Germany in just four months. Canada alone lost 24,029 soldiers either killed or wounded. None of the objectives set for the Allied offensive were achieved.

This evening at the magnificent Canadian War Museum, British historian Sir Martin Gilbert will present a lecture on the Battle of the Somme. My presentation here is drawn from his just published work, *The Battle of the Somme: The Heroism and Horror of War*.

• (1340)

BOYCOTT BY CANADIAN UNION OF PUBLIC EMPLOYEES-ONTARIO AGAINST ISRAEL

Hon. Jerahmiel S. Grafstein: Honourable senators, I rise to speak to a recent resolution passed by CUPE-Ontario, the Canadian Union of Public Employees, with 200,000 members, some of whom, I believe, might be employed by Parliament. The CUPE resolution calls for the boycott of goods and services from Israel, sanctions, and divestment of investments in Israel. It stereotypes Israel's defence measures against violence to its citizens as "apartheid."

This resolution that singles out the only democratic state in the Middle East is curious, confusing, contradictory and counterproductive. It flies in the face of President Abbas of the Palestinian Authority who has repeatedly called for a cessation of violence by Palestinians in order to return to the bargaining table. It flies in the face of Canadian foreign policy that seeks a negotiated settlement between the Israelis and the Palestinians. It flies in the face of UN resolutions that call for the same principle. It flies in the face of the principles of the ILO, the International Labour Organization in Geneva, whose organizing principle is based on fair and free negotiations to any dispute. It flies in face of the organizing principle of the labour movement in Canada whose core principle has always been the negotiation of any dispute without threats, coercion or violence. It flies in the face of many of CUPE-Ontario's own membership who disagree with the process, timing and substance of this resolution to the extent that one local has withdrawn from CUPE.

Criticize Israel if you must. That is the nature of democracy. There is no current shortage of Israel's critics in Canada. Boycott it if you will, but boycott those states that do not recognize the rights of labour or a free labour movement and instead prohibit and proscribe them. Boycott those states that do not believe in the freedom of worship. Boycott those states that abuse women and fail to respect their rights. Boycott those states that prohibit free media. Boycott those states that do not believe in equality of citizenship or respect for their minorities. Boycott those states that use and abuse children as political propaganda pawns and worse. Boycott those states that commit violence against the innocent.

This CUPE resolution seeks to deliberately isolate and stereotype Israel, the only practising democracy in the Middle East, whose founding principles were grounded in the policies of a free labour movement. The CUPE resolution is a contrary idea. Withdraw this resolution. Rescind it. Move on to advance, enhance and protect the contested rights of labour everywhere.

SUDAN

CONFLICT IN DARFUR

Hon. Roméo Antonius Dallaire: Honourable senators, as we prepare for the summer recess, I should like to bring to your attention a humanitarian catastrophe, which some have qualified as genocide, that is ongoing and will continue while we are at our homes and residences.

The people of Darfur are still being murdered, raped and starved to death. Despite media attention, valiant efforts from civil society and student organizations, and much political mumbling for the past three years, the international community has stood by and has not brought to conclusion a peace agreement that would permit 3 million people to return to their homes. After perpetually jockeying with the international community, the Sudanese government has finally allowed the Joint African Union and the UN Technical Assessment Team to enter the country. The team carried out a needs assessment of the African Union mission in Sudan and of a possible transition from the African Union mission to a UN chapter VII mission. Although the Government of Sudan is still being less than cooperative, most experts believe that this transition will take place, although realistically not until January 2007, with full deployment in April 2007, which is at least nine months away.

The humanitarian and peace support operations in Darfur need support during this vulnerable transition period. The Canadian government's recent pledge of $40 million, albeit a step in the right direction, only scratches the surface of what Canada can and must contribute to that incredible need. Humanitarian operations under the auspices of the UN Office for Humanitarian Affairs need an additional $648 million to continue operations until the end of this fiscal year. In recent months, donor fatigue, coupled with increased violence against humanitarian workers, has forced the organization to scale back its operations. Millions have been left without access to the most basic necessities.

Poorly equipped and underfunded, the African Union mission has been unable to provide the sense of security so required by those vulnerable people. Furthermore, the AU mission will literally run out of funds by the end of July. This will make a dire situation much worse. Canada must lobby its allies to ensure that the UN Pledging Conference in Brussels in July bears real fruit and not just empty promises. Canada must lead by example by increasing its financial commitment to the UN humanitarian effort and by deploying forces that can be of service in the transition period before the UN takes over the mission.

• (1345)

ROSS CREEK CENTRE FOR THE ARTS

GRAND OPENING

Hon. Jane Cordy: Honourable senators, I rise today with news of two happy events taking place in Nova Scotia on Canada Day. I am pleased to inform honourable senators that the Ross Creek Center for the Arts will celebrate its grand opening this July 1. In addition, there will be a celebration of Two Planks and a Passion's fifteenth season of theatre. These cultural institutions in rural Nova Scotia represent an important element of the social fabric of our nation. I am proud to be a member of a party that continues to support the arts and culture in all regions of Canada.

Whether through Two Planks and a Passion's presentation of *Pelagie* this past year or the Ross Creek Centre's artistic programs and exchanges, these institutions are fundamentally Canadian. They are diverse, multilingual, and international and they are centers for excellence in artistic expression. It truly is appropriate that they celebrate their achievements on Canada's National Day.

Honourable senators, I congratulate Chris O'Neil, Ken Schwartz and their team of tireless employees and volunteers on the grand opening of what will be an important cultural institution for years to come, the Ross Creek Center for the Arts. I would also like to congratulate them on the longevity and success of Two Planks and a Passion Theatre.

ROUTINE PROCEEDINGS

AUDITOR GENERAL

2005-06 ANNUAL REPORT ON PRIVACY ACT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Auditor General's 2005-06 Annual Report on the Privacy Act, pursuant to section 72 of the Act.

[*English*]

CONFLICT OF INTEREST FOR SENATORS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Serge Joyal: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Conflict of Interest for Senators. This report outlines the expenses incurred by the committee during the First Session of the Thirty-eighth Parliament.

(*For text of report, see today's* Journals of the Senate, *p. 425.*)

[*Translation*]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Serge Joyal: Honourable senators, pursuant to rule 58(1)(i), I give notice that at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Conflict of Interest for Senators have power to engage the services of such counsel, technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such matters as are referred to it by the Senate, or which come before it as per the *Conflict of Interest Code for Senators*.

NOTICE OF MOTION TO REFER DOCUMENTS FROM PREVIOUS PARLIAMENT TO CURRENT SESSION

Hon. Serge Joyal: Honourable senators, pursuant to rule 58(1)(i), I give notice that at the next sitting of the Senate, I will move:

> That the papers and documents received and/or produced by the Standing Committee on Conflict of Interest during the First Session of the Thirty-eighth Parliament and the Intersessional Authority during the period following dissolution of the 38th Parliament, be referred to the Standing Senate Committee Conflict of Interest for Senators.

• (1350)

[*English*]

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

NOTICE OF MOTION REQUESTING GOVERNMENT RESPONSE TO REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(c), I give notice that later this day I will move:

> That, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government to the Second Report of the Standing Senate Committee on Transport and Communications, adopted by the Senate on June 22, 2006, with the Minister of Industry, the Minister of Canadian Heritage, the Minister of Finance, the Minister of Justice and Attorney General of Canada, and the President of the Treasury Board being identified as Ministers responsible for responding to the report.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

NOTICE OF INQUIRY

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I give notice that two days hence:

> I shall call the attention of the Senate to the second report of the Standing Senate Committee on Transport and Communications entitled *Final Report on the Canadian News Media*.

[*English*]

STATE OF LITERACY

NOTICE OF INQUIRY

Hon. Joyce Fairbairn: Honourable senators, I give notice of an inquiry on the state of literacy in Canada, which will give every person in this chamber an opportunity to speak on an issue that we have, in my view, forgotten.

[*Translation*]

QUESTION PERIOD

LABOUR

QUEBEC—ESTABLISHMENT OF FEDERAL OFFICES

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. A committee is currently reviewing the implementation of a government regulation that imposes a certain distribution of public service jobs in the National Capital Region between Ontario and Quebec, equal to 75 per cent and 25 per cent respectively.

I would like to quote from an article that appeared in the *Ottawa Citizen* on June 21, 2006:

[*English*]

> Real estate observers, however, argue the policy overlooks some of the limitations in Gatineau's capacity to handle thousands of new jobs, such as the lack of prime downtown sites, transportation, bridges, and infrastructure.

[*Translation*]

The argument about problems with bridges and transportation does not really hold up. If there were more jobs in Gatineau today, there would be fewer transportation problems. Public servants would live on the Quebec side, and those from Ontario would be travelling against traffic during rush hour.

Can the Leader of the Government tell us whether the government is opposed to the idea of public servants working in Quebec, as the article seems to suggest?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, a similar question was asked of my colleague, the Minister of Public Works. He acknowledged that the 75/25 split had been allowed to slip away under the previous government. The objective of his department and of the government is to restore that balance.

I do not believe, and I am certain most honourable senators do not believe, that there is a bias in the public service against people living on the Gatineau side of the Ottawa River.

• (1355)

[*Translation*]

Senator Dallaire: Honourable senators, when I was a member of the Armed Forces, some people who worked for me in Ottawa did not want to live on the other side of the river because it was such a problem.

Can the government guarantee that the jobs directly related to the federal government and those in the agencies, Crown corporations, CMHC and RCMP will be included in the calculation of the number of jobs located in Quebec and Ontario?

[*English*]

Senator LeBreton: Senator Dallaire, as my colleague Senator Fortier responded to a similar question, it is clear that the government and all of its components whether departments, agencies or boards, would certainly not seek to get into a situation whereby the balances are not sought out and met.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUTURE OF NATIONAL LITERACY SECRETARIAT

Hon. Joyce Fairbairn: Honourable senators, I would like to ask a question of the Leader of the Government in the Senate. As we are moving toward our adjournment, I would like to get advice from the government leader on the message that we can communicate during summer visits to those in the literacy network. What message should we communicate across this country to those who need to know the views of our new government? What should we tell the more than 8 million citizens who are grappling with the challenges of getting through each day because of a profound difficulty in reading, writing and numeracy? I ask this question also because the tremendous strength of the federal presence in this field was introduced in what I believe to be the finest legacy left to us by Prime Minister Brian Mulroney. The National Literacy Secretariat was created in 1988 with the help of his Secretary of State David Crombie. We worked together with this issue from the start. I was nicknamed the "token Grit."

There are anxieties across this country about the survival of the National Literacy Secretariat and whether funding for programs on the ground will be met for this year. There is a concern that the programs will continue through partnerships with all levels of government and with our outstanding national organizations who keep the issue alive on the ground. Neither the budget nor the Throne Speech mentioned this issue.

I would like to have assurances from the Leader of the Government that the National Literacy Secretariat does indeed live on. I would like assurances that funding will continue so that all Canadians at risk in every community in this country will have a fair chance to learn, build a decent life and get a decent job for themselves and their families.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question and for the work she has done in this area over many years. If, in fact, she was the "token Grit," I can think of no better token than a Grit like the honourable senator.

I am glad to receive the honourable senator's kind words about Mr. Mulroney and his legacy. His legacy in this and many other areas is finally being acknowledged and recognized by parliamentarians and the Canadian public at large.

I was expecting some time ago that I would get a question like this from the honourable senator. Last night I made inquiries about the agency. I have not received a definitive response but I can say that just because the government has not addressed the program it means the program is in danger. The government is busy with reorganizing a downsized ministry. When the new government took over, there were so many programs in so many areas that needed to fit into the downsized ministry. There were many ministers and it involved a great deal of reorganization.

Honourable senators, suffice it to say, I have asked for a response to the honourable senator's question. Even though the Senate may not be sitting, when I receive the response, I will take it upon myself to make sure it is delivered directly to the honourable senator's office.

• (1400)

Senator Fairbairn: Honourable senators, I understand that Minister Diane Finley, who is responsible for this file, has a huge responsibility in the re-joined Department of Human Resources and Social Development. My biggest concern is that in such situations things are often pulled together with the best of intentions but sometimes miss the mark.

I would appreciate hearing about the National Literacy Secretariat. This unique agency in the Canadian government can help small organizations across the nation to help people learn. The issue is not only about the labour movement; you cannot get into a workplace or be upgraded unless you are literate.

This agenda is an on-the-ground one, not a made-in-Ottawa one. Honourable senators met the people from the national organizations on Literacy Action Day. This issue greatly needs our help, and it has received that help since 1988. It would be a shame, when they are working out a national action program, if there should be any cutback or change in the organization of the NLS that would bring these innovative ideas to a halt to the detriment of millions of people.

Senator LeBreton: Honourable senators, Senator Cochrane is active on this front as well, and she is very persuasive when she makes her case in both our national caucus and the Senate caucus.

The government has emphasized skills and trades in our overall employment strategy. I will speak personally to Minister Finley. As Senator Fairbairn pointed out, the minister has been extremely busy with everything that has been put into her department, including dealing with the child care issue and the older workers issue. She has many issues on her plate, as well as this important one. I will get information for Senator Fairbairn on the status of the National Literacy Secretariat.

[*Translation*]

FUNDING OF VARIOUS PROGRAMS

Hon. Fernand Robichaud: Honourable senators, my question is for the Leader of the Government in the Senate. Numerous organizations submitted their grant applications some time ago. These organizations, some of which have been very successful, depend on grant money to continue the good work they do. How much longer will they have to wait before they receive an answer?

In New Brunswick, for example, people will be forced to stop what they are doing, which will mean lengthy delays for their organizations. Can the minister tell us when the government will consider the fate of these projects that are already in the system, ready to be approved?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, that question is multifaceted. A new government would want to review and assess many programs and policies. When we were in government before, we found, as did the government of Senator Robichaud, that not every program is unending. They require review from time to time.

• (1405)

Honourable senators, I have to know the specific programs to which the honourable senator refers. There are so many programs in so many departments that it would be impossible for me to give a blanket answer, which may apply to some and not to others. I would have to know the exact programs are in order to get a definitive answer.

[*Translation*]

Senator Robichaud: Honourable senators, I think I was quite clear when I asked the question two weeks ago. The question was about the status of the literacy project and the proposal submitted by the Kent dyslexic support committee in New Brunswick.

And as far as I know, there is only one group with that name. That is what I am asking in this case, and I am also asking on behalf of all the other groups who are waiting for answers.

[*English*]

Senator LeBreton: I thank Senator Robichaud for his question. When a question about a specific program is put to me and the response is by way of a delayed answer, I have been quite pleased with how the departments have responded. We have done well with delayed answers. I will find out why they have not answered that specific question.

NATIONAL REVENUE

FEDERAL ACCOUNTABILITY BILL—COST EFFECT ON DELEGATES TO POLITICAL CONVENTIONS

Hon. Hugh Segal: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the thoughtful speech made by Senator Fox yesterday relative to the burden that Liberal delegates will face upon attending their leadership convention should the fee of $995 be counted as a political donation relative to the changes which are proposed in Bill C-2, which passed second reading in this place yesterday.

Independent of the financial burden, there are a wide range of burdens that Liberal delegates will carry with them when they go to the convention, none of which are within the purview of this house or the committee to deal with.

Will the Leader of the Government undertake to seek advice from the Minister of National Revenue as to the way in which the Canada Revenue Agency or any political party would determine the difference between the broad cheque that was written as between specific benefits to the delegate versus the deemed donation?

I am certain that most political parties will take the view that when one attends the convention, there are certain costs — whether it be food, the delegate's kit, the rental of the hall or entertainment — which constitute a specific benefit to the delegate and would reduce the $995 amount, thereby creating room for a further donation should any Liberal be disposed so to do.

We would all benefit from understanding what those rules are. I would appreciate the Leader of the Government reflecting on that matter.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I am not sure how all political parties operate their leadership conventions, annual meetings and policy conventions, but when I saw the amount, obviously a significant part of that amount is cost recovery, the costs of running the convention.

I can only speak from personal experience. When our party has had similar meetings, we are told up front that if the fee was $675, only $200 of the registration fee would be considered a taxable donation, and the remaining $475 was the cost recovery of the convention. When I saw the $995 amount, I did not for a moment come to the conclusion that that was a straight donation. That is not how the Canada Revenue Agency — in the past, in any event — has treated these contributions.

At the last policy conference the Conservative Party held in Montreal, the fee that we paid as delegate fees was strictly to pay the costs. There were no tax credits given to anyone. We were simply told this is a delegate fee, this is the cost, and they did not add on anything to bring in any more donations to the party.

I will seek to answer that specific question by way of some form of table outlining how they anticipate handling a delegate fee of that nature.

• (1410)

Hon. David P. Smith: Honourable senators, I have a supplementary to the previous question. Seeing as our convention ends in December, to change the rules in the middle of the game just does not feel right. Assuming this bill becomes law, proclaiming it on January 1 would avoid having to answer any of these questions. Without getting into the merits of whether we agree with A, B, C, or D, would the Leader of the Government in the Senate concede that it is a touch unfair to change the rules in the middle of the game?

Senator LeBreton: Change whose rules in the middle of what game?

Senator Fox: The rules of the land.

Senator LeBreton: The fact is that the federal accountability act is a very important piece of legislation that this government has brought forward. The questions that Senator Smith has raised have been raised many times in the other place. I would imagine that all of the candidates running for the Liberal leadership are out raising money right now under the current rules. They should be anticipating the passage of this bill and raising as much money as they can before the bill is proclaimed.

Senator Segal: I want to make it clear to the Leader of the Government in the Senate that I was not enquiring into the specific arrangements between the Canada Revenue Agency and the Liberal Party of Canada. That is a confidential matter. I would be interested in the Canada Revenue Agency issuing, in a public memorandum, a clear table of how the division is sorted out between deemed benefits to the delegate and the actual donation. We have all had the experience of writing cheques for hospitality and other dinners where the amount on the face might have been $200 or $300 but the actual tax benefit was less because of the actual cost of the meal and the event. I wonder what clarity could be added to that process.

Senator LeBreton: I was simply using an example and relating it to my personal experience and what I have read in the media about delegate fees for the December meeting. I will certainly obtain from the Canada Revenue Agency the guidelines they use in terms of not only conventions and leadership conventions but also fundraising dinners and similar events.

[*Translation*]

Hon. Marie-P. Poulin: Honourable senators, I am glad to see that everyone in this chamber agrees that our democratic system is based on political parties and that strong political parties make for a strong democratic system.

If memory serves, when the Martin government was studying Bill C-24, the Conservative Party of Canada was in the midst of a convention to choose a new leader. An agreement was reached at the time to delay implementation of the new regulations under Bill C-24 until the Conservative Party had chosen a new leader.

Could the new government show the Liberal Party the same courtesy?

[*English*]

Senator LeBreton: Thank you for the question. When the Conservative Party held their leadership early in 2004, my understanding is that all of the candidates raised the amount of money that was allowable and all fully accounted for it, insofar as it was held relatively early in the year. I am not sure what arrangements were made at the time, but now we have the accountability bill, which was the first piece of legislation this government tabled in the other place. It is an important piece of legislation, not only to the government, but also to the public, who, by all evidence so far, are supportive of changing the way politics has been done, or is perceived to have been done: either way, it is a problem.

• (1415)

As I have said earlier in this place many times, I had the benefit of travelling around the country for two months in the election campaign and it is clear to me that the Canadian public want fundamental change to the way government operates, both politically and in the bureaucracy.

LABOUR

LEGISLATION TO CONTROL SECOND HAND SMOKE

Hon. Mac Harb: Yesterday the Surgeon General in the U.S. issued a strong report on the impact of second-hand smoke on the health of the individual.

As honourable senators know, recently we passed a motion in this house unanimously, asking the government to introduce legislation to ensure that the workplace in Canada is smoke-free and to declare Canada a smoke-free nation.

I ask the Leader of the Government in the Senate whether she is aware of the response of the government, and if so, when can we expect such legislation?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I saw that report out of the United States, and I saw the tribute to our recently-departed Ottawa citizen, Heather Crowe, who championed the campaign against second-hand smoke. It was interesting to see her face appear on CNN and the U.S. news networks.

I will take the question as notice and I will discuss it with the Minister of Health. The Department of Health has, for a long time, under this government and the previous one, had targeted programs on the dangers of smoking, second-hand smoke and the incidence of lung disease and heart disease.

Senator Harb: I remind the minister that both the Canada Labour Code as well as the Non-smokers' Health Act are administered by the Minister of Labour, so I think the minister could easily undertake to amend both acts and introduce something as quickly as possible.

As you know, honourable senators, we have been signatories to international agreements. We made a commitment some time ago to fulfil that agreement and so far we have not done so. I hope the minister will take this opportunity to ensure that leadership is provided and the proper legislation is introduced before the end of the year.

Senator LeBreton: I will take that as notice. I am glad Senator Harb has acknowledged that in this area of fulfilling our international agreements nothing has been done for a considerable period of time. I will take the question as notice and hopefully we can do a better job in this area.

[*Translation*]

PRIME MINISTER'S OFFICE

TRANSPARENCY TOWARD MEDIA

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. As far as the national defence announcements are concerned, the Prime Minister preferred to use the media to announce $15 billion in spending, thereby avoiding any confrontation during question period in the House of Commons.

Are we to understand that the Prime Minister decided to change his attitude after being accused of lacking transparency with the media? Does he now have more trust in the media than in the honourable members of the House of Commons of Canada?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I was not expecting that question on the last day.

Honourable senators, I think the government, not only in the other place, but before committee, and certainly in the defence committee, made it clear that our intentions were to strengthen the military, not only with personnel, but also with equipment. I do not think it is any great secret. I do not think anyone in the House of Commons would suggest that they were not fully aware of this intent and many of them participated in debates on this important task the government is undertaking.

An Hon. Senator: There goes the hidden agenda.

• (1420)

[*Translation*]

NATIONAL DEFENCE

FORMER LOBBYING ACTIVITIES OF MINISTER

Hon. Céline Hervieux-Payette: Honourable senators, with all these changes and major procurements, it seems to me that in Bill C-2, the federal accountability act, in clause 75, subsection 10.11(1) of the Lobbying Act:

> No individual shall, during a period of five years after the day on which the individual ceases to be a senior public office holder:

How can the current Minister of National Defence argue that a former public office holder cannot carry on a lobbying activity and yet allow a lobbyist, after less than two years, to hold a ministerial position in that field? We have here a former lobbyist holding a cabinet position. It seems to me that the five-year restriction should be reciprocal.

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, my honourable friend is making an argument for real retroactivity.

The fact is that Minister O'Connor had a long distinguished career in the Canadian military. When he left the military, he worked for a period of time representing many companies on all sides of these issues. He has no personal interest nor does he own shares in any of these companies.

Minister O'Connor was elected as a member of Parliament in 2004. As he has pointed out many times, the decisions on who will be chosen will not be made by him. He is the minister responsible but he is not involved in the procurement process or in the recommendations on what equipment the government will be asked to buy for the military.

PUBLIC WORKS AND GOVERNMENT SERVICES

FEDERAL ACCOUNTABILITY BILL— PROPOSED PROCUREMENT POLICIES

Hon. Tommy Banks: My question is addressed, honourable senators, through the Leader of the Government in the Senate, to the Minister of Public Works and Government Services. The Standing Senate Committee on National Security and Defence, in a report issued about a year ago entitled *Borders Insecure*, identified a shortcoming with respect to the communication that exists between the land border crossings in Canada and the central intelligence source to identify persons of interest coming across the border in either direction. It found that several of those border posts did not have a direct and high-speed connection to that service. They could not be immediately informed of a problem and they could not do immediate research, which most of the border posts can. That fact places Canada's security at risk and it places the security of border services agents — customs officers who are present at the border — at risk from time to time.

In a meeting on June 19 of the Standing Senate Committee on National Security and Defence, I asked Mr. Alain Jolicoeur, President of the Canada Border Services Agency, whether this deficiency had been completely addressed — that is, the deficiency recognized by our report of more than a year ago and no doubt by others far sooner than that. He stated that it had not. When I asked him why that was so, Mr. Jolicoeur replied, in part:

> ...I agree that it could be a problem. We have issued directions to PWGSC to secure CBSA a contract for working through satellite connections for these three offices. They are working constantly to obtain that contract for us. There has been an administrative delay, but I am not sure why. We are confident that these offices will be connected through satellite before the end of the summer. It should have been done by now, but it is not done yet.

Minister, I say again that these problems were identified by our committee and, no doubt, by others over a year ago; and these problems place the security of Canada and Canadians at risk.

I then asked Mr. Jolicoeur whether anyone had explained to him why that delay had happened. I added that if he and I wanted to get a high-speed Internet connection from the middle of the Gobi Desert, for example, we could do so in very short order. I asked him why this was happening with our border crossings. He said:

> Procurement in public service is something that can be problematic on occasion because of challenges and rules.

He then went on to explain that his agency has spent a year and a half trying to get new uniforms.

• (1425)

I have a two-pronged question. One part is in the context of C-2, which we are dealing with, and the other is in the context of fixing that problem. I would hope that the leader would ask the minister to please undertake to solve that problem immediately by cutting through the impenetrable spaghetti bowl of acquisitions so that those officers are not placed at risk, as they are every day; and so that Canada's security is no longer placed at risk, as it is every day. My question is: By putting in place more layers of difficulty in procurement, as in C-2, are we not exacerbating this problem?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Banks for the question. Certainly, I will speak to the Minister of Public Works and Government Services Canada. I was trolling the television channels the other night and I came across the hearings of the Standing Senate Committee on National Security and Defence on June 19, 2006. I was embarrassed as I watched the proceedings because I thought that some senators treated Mr. Jolicoeur, President of the Canada Border Services Agency very badly during his testimony before the committee. A public servant appearing before any committee, Senate or House should not be so abused.

Honourable senators, in terms of the proposed accountability legislation, it is not our intention to add more layers but rather to have a process that is open, transparent and easily accessed by anyone who is interested. I will ask Minister Fortier for the status of the file on connecting border offices via satellite.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting answers to oral questions raised by Senator Fraser on June 13, 2006, concerning the first ministers' agreement on Indian affairs and northern development and by Senator Dallaire on June 21, 2006, concerning the multi-mission effects vehicles project.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

FIRST MINISTERS' AGREEMENT ON ABORIGINAL ISSUES—FUNDING OF INITIATIVES

(*Response to question raised by Hon. Joan Fraser on June 13, 2006*)

> The government's approach to the issues raised by Mr. Goodale's letter is based on practical initiatives to achieve concrete results. Minister Prentice has addressed this issue in the House of Commons on May 12, 2006 and before

the Standing Committee on Aboriginal Affairs and Northern Development on May 31, 2006. More specifically, that is why in Budget 2006, the Government of Canada announced $450 million toward initiatives for education, women, children and families, as well as water and housing on reserve. The Government also announced $300 million to off-reserve Aboriginal housing and $300 million for affordable housing in the territories, where housing pressures are particularly acute. In addition, the Government has set aside $2.2 billion to address the legacy of residential schools. These initiatives follow previously announced commitments, such as the plan of action of March 21, 2006, to address drinking water concerns in First Nation communities.

The document released by the previous government, which is referred to as the Kelowna agreement, still needed work to determine how funds were to be distributed among provinces and territories and national and regional Aboriginal Organizations. Most of all, the document lacked a detailed financial plan to deal with the issues that had been identified.

The government believes it can make a real difference in five areas to reduce Aboriginal poverty while working within its budgetary parameters:

- Ensure safe drinking water in First Nation communities;
- Create new opportunities for Aboriginal youth through education;
- Increase support to Aboriginal women, children and families;
- Improve housing on and off reserve; and
- Move forward in capable, accountable partnerships with Aboriginal organizations and provinces and territories.

With regard to the response to Mr. Goodale's letter, it will be sent to him in the near future.

NATIONAL DEFENCE

MULTI-MISSION EFFECTS VEHICLE—
STATUS OF UPGRADE TO WEAPONS SYSTEM

(*Response to question raised by Hon. Roméo Antonius Dallaire on June 21, 2006*)

No decision on the Multi-Mission Effects Vehicle project has been taken at this time.

DND is currently in the process of developing a document that will provide a long-term plan for Defence, including guidance on equipment priorities. The release of this plan will provide more detail on the future of the MMEV project.

The government is committed to ensuring that the Canadian Forces have the right mix of air, land and maritime capabilities.

[*English*]

SPEAKER'S DELEGATIONS TO KENYA AND FRANCE

COMMONWEALTH SPEAKERS' AND PRESIDING OFFICERS' CONFERENCE, JANUARY 3-8, 2006 AND MEETING WITH REPRESENTATIVES OF FRENCH SENATE, JANUARY 9-12, 2006—REPORTS TABLED

Leave having been given to revert to Tabling of Reports from Inter-parliamentary Delegations.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have the honour to table, in both official languages, the report of my visit as Speaker of the Senate to the eighteenth Commonwealth Speakers' and Presiding Officers' conference held in Nairobi, Kenya, from January 3 to 8, 2006, and to a meeting with representatives of the French Senate, held in Paris, France, from January 9 to 12, 2006.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that as we proceed with government business, the Senate will address the items in the following order: first, government Motion No. 1, followed by Bills S-4, C-5 and C-3.

THE SENATE

MOTION TO EXTEND WEDNESDAY SITTING ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of June 27, 2006, moved:

> That, notwithstanding the Order of the Senate on April 6, 2006, when the Senate sits on Wednesday, June 28, 2006, it continue its proceedings beyond 4 pm and follow the normal adjournment procedure according to Rule 6(1).

• (1430)

[*English*]

Hon. Marcel Prud'homme: In order for honourable senators to fix their agendas, could Senator Comeau give us an indication of the expected time? We know that anything can happen, but many members have meetings later today and planes to catch. Could he give us an indication of the time that it is expected that the Senate will sit?

Senator Comeau: The reason we are asking for this motion is in case we go beyond 4 p.m., which we expect that we will. It is always dangerous to predict an hour, but my expectation is that once we get through the first order, Bill S-4, things should flow along quickly at that point. We have a number of items on the Order Paper to which honourable senators may wish to proceed. I would say late afternoon.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Jerahmiel S. Grafstein: Honourable senators, as we approach Bill S-4, I ask myself this question: What does Alberta want? What do the Alberta school and its current leader want? Alberta and the Alberta school have always craved more power, first and foremost for its province, and in order to dilute the power of Parliament. In this sense, the Alberta school shares the political aspirations of the Bloc: to reduce the powers of central government and Parliament as a check and balance on that power.

We see that, honourable senators, in a strange, contradictory way in Bill C-2, which is clearly a sweeping dilution of parliamentary power into the hands of bureaucracy, who in turn will be ultimately accountable not to Parliament but to the executive.

Honourable senators, from my experience — and I give this as a travelogue of my own personal experiences since being in politics for over four decades — there are two competing visions of Canada. One vision was to enhance the powers of the federal government in order to ensure equality of treatment across the land, whether it came to issues of individual rights, health care, daycare, taxation or revenue-sharing. The other competing notion was to enhance the powers of the provinces at the expense of the federal government and to narrow and dilute the powers of Parliament.

History has taught us, honourable senators, that questions affecting parliamentary and constitutional reform should be approached with great hesitancy and greater care. Many of us in this chamber have witnessed constitutional initiatives, from the change in the Senate from 1965, to the reiterations of the "two founding nations" theories in the 1960s, to the major constitutional changes in 1982, through to Meech and Charlottetown in the 1980s and 1990s.

Where does Bill S-4 sit in these competing paradigms? Bill S-4 is a strikingly simple bill. There is a siren simplicity to it. It is innocent on its face. It seduces us to reduce the tenure of senators to eight years. "Let us do it quickly," so says the leader from the Alberta school, "Let us trash the Senate if it deliberates and does not deliver quickly. Do not, on the way, notice that our mandate, the Alberta school's mandate, is obtained by a minority government, where the Canadian public was divided on its mandate."

However, honourable senators, the devil lies in the detail. This strikingly simple bill allows for reappointment by the government. Therefore, it is a simple bill: Let us surgically reduce the tenure of senators to eight years, but again, let us do it quickly.

This bill allows, however, for the reappointment by the executive. What would this mean in practice? Appointees would immediately curry favour with the executive, from the first moment they were appointed. It is in the nature of the human condition: Get appointed and curry favour with those who appoint you if they have the power to reappoint you.

That is why, honourable senators, we did not follow the American view of electing judges. We felt that judges should have independence of tenure.

Bill S-4 would materially dilute the already weak independence of this Senate, but we are told: "Don't worry; there are broader measures coming to elect senators." This is a will-o'-the-wisp approach to parliamentary reform. Let us not be seduced by these larger promises.

However, let us return to Bill S-4, for that is the only bill that we have before us. Is it constitutional? Does it meet the minimum constitutional requirements for change?

In the 1980s, the Supreme Court of Canada, a great court, led by such luminaries as Bora Laskin, Brian Dickson and Bud Estey, said that any change done by Parliament alone must not change the independence or the essential characteristics of the Senate within Parliament.

Who cannot agree that one change in one house does not affect the essential characteristic of both Houses? It changes the nature of careful checks and balances, as articulated by Blackstone. I will not reiterate that history. It is well known to many in this chamber.

This change would, on its face, do more. It would simply place more power, more quickly, in the hands of the executive, with greater, more frequent powers of appointment.

Honourable senators will recall that calls for parliamentary reform, for Senate change, have been with us almost since the beginning of Confederation. Read any book on the history of Canada or on constitutional change. Senate change has been with us since the beginning of Confederation.

In 1923, a federal-provincial conference was called, and it makes refreshing, almost amazing reading today. The only issue that appeared to have consensus amongst the provinces and the federal government at that time was the reduction in age of senators from life to age 75 years. That appeared to have garnered wide consensus back in the 1920s. It took from the 1920s to 1965, when Mr. Pearson introduced that measure. Nobody can quarrel with the fact that the change of tenure to 75 years from life would reduce the independence of the Senate as a vital check and balance of executive power within Parliament. There was a wide consensus of provinces which supported that change at that time.

Some recent appointments, however, went against that principle. A number of appointees were appointed for short terms. There is a question, as Senator Joyal pointed out in his masterful book *Protecting Canadian Democracy: The Senate You Never Knew*, whether those short-term appointments enhance or reduce the independence of the Senate.

There is now a more substantive debate as to whether this S-4 amendment can be made by Parliament alone, without the consent of seven provinces and 50 per cent of the population.

One of our outstanding experts in the Senate, Senator Murray, former minister responsible for provincial affairs, one of the co-authors of two great, if rejected, initiatives, Meech and Charlottetown, has indicated that there are, in his view, constitutional problems. There is, in his belief, a constitutional requirement for provincial approval with respect to this amendment. He argues that it requires provincial concurrence, and I share that view.

Senator Murray shared my view some years ago when the Province of Alberta, seeking more power, passed a provincial law calling for the election of senators. It was my view at that time that that bill was unconstitutional, even though de facto Mr. Mulroney accepted an electee as a Senate appointee. That was doing, in my view, indirectly what one could not do directly. I argued then that the federal government should have disallowed that bill as a precursor to true, substantive, national reform.

While there is a wide consensus in the country, honourable senators, for some sort of change in the Senate, there is absolutely no consensus across the regions for the nature of that change. Where are the various regions we represent in this Senate? What do our regions tell us?

• (1440)

The Maritimes are divided on the issue, but clearly they are not in favour of elections or an increase of the number of senators if that would dilute their power to represent their region in the Senate, with more regional voices than are present.

The last time I heard, Quebec was not in favour of elections. Quebec does not want to touch the Senate in any way, shape or form. Obviously, there is divided opinion in Quebec on that question. My own province, the Province of Ontario, has been episodic, from Mr. Robarts to Mr. Peterson to Mr. Rae to Mr. Harris to Mr. McGuinty. Opinions have ranged from no dilution of power, to a dilution of power, to an abolition of the Senate. That appears to be the most current reiteration: abolish the Senate, says Mr. McGuinty. Yet, when Mr. Peterson offered to reduce Ontario's representation in the Senate, his government was soundly defeated.

British Columbia and Alberta crave more seats: witness Senator Austin's and Senator Murray's proposal to add yet another region. There is no clear consensus or leadership about parliamentary reform or about Senate reform. This simple bill, S-4, is tepid, as it appears to offend both history and the Constitution. Yet, we blithely proceed. We throw it into a brand-new committee; not a committee of the Senate, mind you, but a committee to look at the subject matter of this material.

Let me give you another observation about the Alberta school and its consistency. The Alberta school has changed its tune. After years of promoting the Triple-E Senate, what we have now is a promise of an election. Honourable senators, we have beheld the facts, not the promise. What were the facts? The Alberta school's leader appointed a senator to this chamber and then seeks to reduce the independence of the Senate by this bill. This, honourable senators, is a tepid, timid step. Respectfully, it is unconstitutional without provincial concurrence.

When Mr. Trudeau commenced his constitutional initiatives, many of us on his side were concerned. We all recognized that it would involve an almost total expenditure of political capital. In his 1979 Constitutional thrust, it was soundly rejected by the country and Mr. Clark was elected. In 1980, when Mr. Trudeau returned, he was determined — and many of us on this side were with him — to redeploy virtually all of his political capital in the pursuit of changing the Constitution and the governance structure of Canada. That vision was quite simple: It was based on the premise of equality — equal rights for each individual citizen across Canada.

Now that Charter, once scorned, is the one institution that Canadians in every region hold as their most important political and cultural symbol, especially in the province of Quebec.

Now that Constitutional amendment, once seriously objected to, is held in high regard. Quebec believes in the Constitution because it believes in rights as in any other part of the country. Eighty-eight per cent of the people in the Province of Quebec believe that the Charter is the most important symbol of Canadianism in the country.

Meech and Charlottetown were rejected. They were rejected, honourable senators, perhaps because they were too ambitious. I believe — and this is a personal viewpoint — Meech and Charlottetown were rejected because the country was not ready for a serious dilution of federal powers.

Honourable senators, I must commend Senator Murray. I must commend both Mr. Trudeau and Mr. Mulroney, who were prepared to invest their political capital in these Constitutional initiatives.

Now we come back to Bill S-4, this timid, hesitant, incremental, tiny, unconstitutional step that neither achieves its objective nor is consistent with the careful balance in Parliament, the careful checks and balances, the thesis of checks and balances of Blackstone, which I need not reiterate. I say to the Alberta school: Change the government structures of Canada if you will;

change its Constitutional underpinnings if you will; put forward a plan that all Canadians can determine that this is the way they wish to go. Do not do by indirection that which you are not prepared to do by direction.

I oppose this timid step precisely because it is too timid and too fraught with constitutional difficulties. It seeks to do, honourable senators, indirectly what it is not prepared to do directly.

For all these reasons, I reject the principle of this bill. It promises change for the sake of change; change that is half-baked and ill-considered; change that is counterproductive because it raises expectations without true reform.

Surely, honourable senators, this Senate that we all cherish deserves more thoughtful ideas. I await the outcome of the committee's deliberations.

Hon. Lowell Murray: May I ask the honourable senator a question?

Senator Grafstein: Of course.

Senator Murray: On what basis does the honourable senator assert that the eight-year term would be renewable? I see no mention in the bill as to the renewability of the term. I am aware that when the Leader of the Government in the Senate spoke and answered questions from the Leader of the Opposition, the government leader indicated that the term would be renewable but, as the government leader put it, predicated upon an elected Senate.

Senator Grafstein: Honourable senators, the bill is very clear on its face. The Leader of the Government in the Senate made this very clear, subject to a subsequent condition precedent. In the absence of an election, which we know is fraught with difficulties and has its own Constitutional problems, if a person is appointed under this new bill for eight years, there would be nothing to prohibit the government from reappointing that senator.

Honourable senators, and particularly Senator Murray, know the human condition. Would not the government of the day place carrots in front of the eyes and nose of senators who are recalcitrant or difficult when appointments were coming nigh? Certainly there would be a desire for reappointment by most, if not all, senators. Therefore, on the face of it, prima facie, that is all we have. We do not have anything but the written words. On the face of it, the government can reappoint. If they can reappoint, they can do it any way they choose.

The Hon. the Speaker: Senator Grafstein's time has expired. I think Senator Murray has another question. Is it agreed, honourable senators?

Some Hon. Senators: Agreed.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Senator Murray: I will defer to the honourable senator. Proposed new section 29(1) says, "Subject to sections 30 and 31, a senator shall hold a place in the Senate for a term of eight years." I take it the honourable senator's interpretation is that if the eight-year term were not renewable, the drafters would have had to be explicit on that point.

Hon. Tommy Banks: I was not going to speak, honourable senators, but I feel obliged to say something because of the references to the Alberta school. School is in. Given the substance of what the government has done so far in many cases, it is surprising to me the lack of substance in the present bill. It is, as Senator Grafstein has said, a wee, timorous mouse of a bill. It is a tap dance of a bill. It purports to be something that it is not. It is asking us to buy the roof of a house before the foundation and the first floor are in place, on the assurance that, never mind what happens afterwards, the roof will fit whatever comes up after the fact.

I cannot imagine that we would seriously be asked to buy such a thing. I am surprised the government would propose it, particularly in respect of something as important as parliamentary reform. This is not the real thing. It has the appearance of a real thing. It looks like a duck, quacks like a duck and walks like a duck, but on even a cursory examination, it is clear it is a cleverly contrived mechanical decoy that has no effect, but it may, however, lay an egg.

• (1450)

The question is — being from Alberta, I will refrain from asking where the beef is — where is the real duck here? The real duck is not in the bill.

The questions asked in the preamble of the bill have not ever been answered by anybody. In what way will this bill better reflect the democratic values of Canadians, as it says it will do in the preamble? Which principles of modern democracy will be made better by this bill? What advantages, in terms of the democratic deficit, are being addressed in this bill? Why the timidity in this bill? Why not be bolder by starting with the foundation, then the first floor and then the roof of parliamentary reform?

Hon. Ione Christensen: In regard to Bill S-4, when I look at my counter tops in the kitchen and decide new ones are necessary, is it time for change? There is nothing wrong with the old ones, but new ones would be nice. I am making change for the sake of change. I will feel better about it, but the kitchen will still function as a kitchen.

If I were to go down in the basement and knock out one of the concrete pillars in the centre of the family room where it has been an annoyance for years that would be a different story. That pillar is part of the foundation. It holds up the kitchen and the rest of the house. It should only be changed after a full assessment of the house. Many bearing walls are above it, and changes will affect everything from the roof on down to the kitchen.

Thus it is with our federal governing system, the foundation of our democracy and how it is built. While I have used a physical analogy of construction, the scholarly analogy of the construction of a constitution is far more complex and needs closer scrutiny before changes should be made. We should know the end result of these changes and how they will affect the total system. If we feel comfortable, by all means we should move ahead.

In the 1970s, when oil prices were starting to rise, the federal government put in place a number of home renovation programs, helping to keep houses draft-free, keeping the cold out, sealing up the cracks and keeping the heat in. By the 1980s, mould was growing in many of those homes and the air quality was deteriorating. It was then that the penny dropped and a new program came on line; namely, the house as a system. One system in a home cannot be changed without affecting other systems. One arm of government cannot be changed without having an effect on all other arms of government.

In my years as a senator, I have made it my mission to go to our Yukon schools to present to both teachers and students an overview of how Canada is governed, the structure of governance, the federal, provincial, territorial and municipal levels and First Nations and how they interconnect, the role and importance of our bicameral system, the House of Commons and the Senate, and how they complement each other to provide stronger legislative review.

At the end of such presentations, it is always my hope that the students will have a better understanding of the role they must play as informed citizens. It is always the teachers who say, "I did not know what the Senate did until now. When you really think about it, it makes sense."

Sadly, many Canadians and even members of the other place do not fully understand the role of the Senate. The Senate is seen more often than not as an annoyance. I am speaking of the institution and not individual senators.

Yes, the role of the Senate is not understood by the majority of Canadians and not seen as fulfilling a useful purpose. In a population where new is better and change is seen as renewal, it is perceived that electing or abolishing the Senate will make things more democratic, accountable and better. If it does not, well, we will just try something else.

Honourable senators, democracy is fragile. Like your heart, you must handle it with care, love and understanding; care keeps us free; the dedication of love will help keep it strong; and without understanding there can be no care or love.

All of that is not new to honourable senators. The Senate is the one chamber in our Canadian governing system where the importance of the Constitution, the history of our federation and the mechanics of governance are understood, where the corporate memory is stored, the wisdom of elders is available for guidance and the patience of age is practiced. I am not representing a partisan view, but a personal one based on over 30 years in public service and seven years serving in this chamber.

I have a problem with Bill S-4. Like my home, the Senate is one of those concrete pillars, an integral part of the foundation of our federal democratic system. Where changes are made, we must ensure we have all of the information on both the short- and the long-term effects so that the final decision is informed.

Sadly, I feel Bill S-4 presents more questions than answers. We are told it is just the first step, but what is the next step? If we are moving to an elected Senate, then Bill S-4 will lead in one direction. If appointments are to continue, then Bill S-4 leads in another direction.

The Leader of the Government in the Senate wisely avoids responding to hypothetical questions. Yet, we have what is perceived as a hypothetical bill with all of the earmarks of partisan expediency.

The independence of the Senate is its core. The tenure of a senator provides for that independence. It logically follows that tenure is a fundamental feature thereby requiring provincial consent.

Of all the proposed changes to the Senate, the one that has the strongest argument is the regional imbalance. That has been addressed by the motion on the floor yesterday. Western Canada is not fairly represented. There again, provincial consent is required.

We are left with Bill S-4. Maybe we can get away with the bill, but how can considered study go forward when we do not know how Bill S-4 will be applied? The new tenants may not like the concrete pillar in the family room, but before we agree to change it, let us assess the effects on the tenants on the second and third floor. We want to keep structural integrity, and the forming of a special committee to address Senate change is a good first step. The support of the full Senate to accept this committee gives me confidence that the Senate is once again fulfilling its critical role of careful second thought.

I have read all the speeches given to date on Bill S-4. They all express caution and raise specific concerns, but no one has objected to the notion of change. Some presentations have been scholarly; others addressed regional and minority concerns and historical relevance. In reading the debates, one quickly sees the depth and the wide range of experience represented here and the value it brings.

This proposed legislation holds no threat to any sitting senator. Therefore, the discourse must be seen as objective, and only the concerns of how Canada is governed will be reflected in reports. Surely, how Canada is governed and how well it serves its citizens should be a concern to all.

Let us use this special committee to study the subject matter of Bill S-4 and, with the calling of witnesses from a wide spectrum of Canada, develop recommendations that will keep the foundation strong.

Hon. Percy Downe: Numerous senators have already spoken on Bill S-4. The government members are advancing the argument that the proposed bill is an attempt to start reforming the Canadian Senate; others disagree. It was best summarized by Senator Merchant when she said:

> Bill S-4 was born in haste for political aims rather than for good government.

• (1500)

I share many of the concerns of my colleagues, but today I want to focus my remarks on the authority to approve the changes recommended in Bill S-4.

Many previous federal governments considered changes to terms for senators but were advised that a change in term would constitute a change in the method of selecting senators and therefore would be subject to the 7/50 rule in section 42 of the Constitution Act, 1982.

Governments were advised that since 1982 the Department of Justice has held the view that section 42 would apply to any change in tenure to a fixed mandate. It has been argued in the past and accepted by previous governments that the scope of section 44 is narrow and would not cover a radical change in mandate, which would change the essential character of the Senate. Even if such a change were not covered by section 42, it would still fall under the general amending formula of section 38, which is also the 7/50 rule.

I remind honourable senators that the change in tenure of senators in 1965, a reduction from life to age 75, was made through federal legislation, but that change was before the adoption of an amending formula.

I am of the opinion that Bill S-4 requires a constitutional amendment. The Constitution of Canada is the fundamental principle according to which Canada is governed. It is important to remember that constitutional government exists only when all the rules are followed consistently. On the other hand, arbitrary governments exist when rules and laws are altered only to suit the government's own purpose. Neither the federal government nor provincial governments should amend the Constitution simply to suit their own purpose.

It is well understood that the courts have the authority to interpret the Constitution and to resolve conflicts between the provincial and the federal governments. The courts can provide an external check, a safeguard against excessive concentration of power in the hands of the Prime Minister.

The rule of law is the absence of arbitrary government. Citizens of Canada are subject to the Constitution and so are the provincial and federal governments. The courts have the duty to interpret the law, and they are the guardians of the Constitution. Because judges are appointed to age 75, they can apply the law without fear or favour. Tenure allows them that security.

The desire to reform the Senate appears to be a priority of the current government. Attempting to transform an appointed body to an elected chamber is a difficult task and does indeed affect the central character of this chamber. Rather than this piecemeal approach, I urge the government to study examples of changes that have been attempted by other countries. For example, in the United Kingdom, discussions have occurred for decades on proposed changes to the House of Lords. In the 1997 general election, Prime Minister Tony Blair committed to reform that would make the House of Lords more democratic and representative without changing its powers.

The reforms undertaken in the United Kingdom since 1997 have involved, in addition to the election commitment, a white paper, a Royal Commission and a committee of the two Houses of parliament.

In conclusion, honourable senators, the Prime Minister should determine whether Bill S-4 is constitutional by seeking a ruling from the Supreme Court before proceeding with this bill. If the Prime Minister wants to change the Senate, he should withdraw Bill S-4, follow the example of Tony Blair and commission a white paper and a Royal Commission.

Canada deserves a better effort from the government. Prime Minister Harper should go back to the drawing board and rethink what his government and Canadians want from the Canadian Senate.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I want to put a few thoughts on the record, as so many senators have done in this fascinating debate. Yesterday I reread the speeches given in this place on this matter. They have been thought provoking and, in many instances, profound.

Like every other senator, I do not speak to this bill with any fear of being accused of self-interest because, even if this bill were to pass exactly as is, not one of us would be affected. Our jobs, our pay and our powers would remain unaffected. Therefore, we can all speak to this bill out of conviction with no taint of self-interest.

I have always thought that the first and best way to renew this place — I do not like the word "reform" — would be to establish term limits. I believe it is inherently unhealthy to have a situation in which people can hold a job for 45 years. Unless you are the Queen or the Pope, you are likely to falter under the strain of such a long tenure.

However, the bill before us must be considered extremely carefully because it sets out to amend the Constitution and to amend the mechanism of Parliament. Parliament is a complicated and delicate mechanism, and one cannot lightly change any part of it without affecting many other parts of it — possibly causing an unintended effect — in the same way that you cannot yank the cornerstone or any other major stone out of the foundation of a building and not expect some effect.

The first paragraph of the preamble of this bill says that it is designed to be in accordance with the expectations of Canadians. I found that to be staggering, because this bill came out of left field. When the present government campaigned for election, it talked about elected senators, but I do not remember discussions of an eight-year term for senators. I am not sure why the first element the government chose to focus on was tenure, even though, as I said, my own interest has always been to go first after term limits.

Senator LeBreton, in her careful and thoughtful remarks to us in presenting this bill, told us more than once that the bill was predicated on the assumption that we would soon move to elected senators. I suppose the first thing we need to do is look at the bill in that context. Like most of those who have spoken before me, I immediately find myself with many questions and not many answers. However, those answers are necessary before we start playing around with the mechanism of parliament.

What electoral system are we talking about? There have been references to some form of indirect election of senators, which I suppose might refer to having senators elected or, in some other way, nominated by provincial legislatures. As we know, some provinces want direct elections if we have elected senators. Alberta already has a law on its books in this regard, although I share the view that it may be constitutionally assailable.

What electoral system are we talking about? Are we talking about proportional representation? Who will set up the districts? Will it be "one province, one district" so that every senator from Ontario would represent 40 per cent of the Canadian population? In Quebec, would we be respecting the present districts of senators, and if so, is anyone quite sure where the boundaries of those districts lie?

• (1510)

Suppose we settle that matter. We move to elected senators. What is the impact? What are the consequences? What would the impact be on Parliament as a whole, bearing in mind that we operate on the Westminster system; with our own variations, I know, but fundamentally, the Westminster system of responsible government, where the government is responsible to the lower chamber, to the House of Commons.

If we get 100 elected senators in here, no matter how they are chosen, most will be able to claim with some legitimacy to represent more voters than does any MP. They will not sit still for long listening to people say that only the House of Commons shall determine who does or does not form the government, that only the House of Commons has the right to initiate money bills and all those good things. I can see some parliamentary crises right ahead of us, and I think we need to address those possibilities before and not after the fact.

If we move to an elected Senate, what are the prospects for further renewal if we have not, at the same time, made other changes in the Senate? Once again, you will have elected senators in this chamber who think they are as legitimate as anyone else and who have their own electoral prospects to protect. By definition, they will have gotten here under the old system. Why would they want to monkey with a system that has proved its value by electing them?

What will be the impact of an elected Senate on minorities? Members of minorities, by definition, are less likely to win elections than members of majorities. This chamber has always prided itself on representing minorities, and I include women in the category of "minorities" here, even though I know that statistically we are a majority. It is not an accident that women are stuck at 20 per cent of Commons seats while we hold about a third of the seats in this chamber. That is because of the appointment system. I am not saying that an elected Senate is necessarily a bad thing. I am saying that we need to think hard about it before we gallop down that road.

Last, but perhaps not least, what would the arrival of an elected Senate do to the balance of power between the federal and provincial governments? Do the provinces want another bunch of elected politicians in Ottawa claiming to represent their voters?

That raises the interesting question of provincial consent and the necessary constitutional amendment. The government has suggested we might be able to move to a system of electing senators without a full-scale constitutional amendment. Many other people, including some very learned people in this chamber, believe that to be a dubious assertion indeed.

If we do require a 7-50 constitutional amendment, how and when will we get it? Others before me have talked about how the road to constitutional reform of any magnitude in this country is long and tortured, which leads to the serious possibility that, despite the government's intentions, this bill might be the only change that we actually had to live with for a very long time.

[*Translation*]

Someone once said, "There is nothing more permanent than temporary things".

[*English*]

This might well be the situation that we find ourselves in. Again, on its merits, is this a good bill?

With regard to length of term, why only eight years? How, in that case, would we be different from the House of Commons, where MPs serve a couple of terms and move on? That is not an unusual occurrence. Why only eight years? I will have been here eight years in September, and I am just beginning to understand this place. I am just beginning to feel that I have some knowledge of the workings of the Senate. I have always thought that a good, long term of about 15 years would be appropriate because that would give us time to become skilled and to bring our expertise to bear, and then to move on.

If we have only an eight-year term, who will come? It has occurred to me that this might end up raising the average age of senators, because people would, perhaps — I do not know, but they might — tend to view their term in the Senate, as many do now, as the last step in their career; perhaps the last most fulfilling step in their career, but if the term is only eight years long, by definition, it will start closer to the end of their career than if it is longer.

Much more serious is the matter of renewability. We have heard exchanges this afternoon suggesting that there is serious uncertainty about whether the terms of senators would be renewable. On balance, I tend to think that the text as written supports the government's assertion that they would be because I suspect that if they were not to be renewable, the bill would say, in English, that a senator shall hold a place in the Senate for a single term of eight years. In French, it is even clearer:

[*Translation*]

"Le mandat des sénateurs est de huit ans".

[*English*]

The bill says nothing about not being renewable. At the very least we have some confusion, and we may have a system of renewability which puts every single senator in thrall forever to the Prime Minister of the day.

We all know how wonderful it is to work here. As was said earlier, there is a strong chance that the great majority of senators would want very much to be renewed, which would mean that they would hesitate to go against the wishes of the Prime Minister of the day, particularly as their term came close to expiry. Indeed, a Prime Minister who was in office for, say, nine years, would have ended up appointing every single member of this chamber and reappointing quite a number.

I know many of us, probably most of us, have, at one time or another, been in a situation evoked earlier in this debate by Senator Banks of angering the Prime Minister, of seeing the Prime Minister gaze at us with real rage. We can do that because we are free. Once we get here, he cannot or she — I hope, one day — cannot do anything about us unless we do something stupid like commit treason, but as we do our jobs, we are free to do them as we see fit. There will be occasions when the way we do that does not please the Prime Minister, even a Prime Minister of our own party. We will lose that if we are in thrall to the Prime Minister for a renewable term, particularly a short renewable term.

I feel that what this would do is give the Prime Minister of the day real control over what arguably is the only part of the government structure that the Prime Minister does not now control directly. The Prime Minister controls the House of Commons. Even in a minority government, the Prime Minister has a great degree of control over the House of Commons. The Prime Minister controls, through the cabinet, the public service. However, at the end of the day, particularly on major issues, the Prime Minister does not control us. Under this bill, the Prime Minister would have control because of that renewable term.

This leads me to note that the appointment process for senators is not touched, which is interesting. What is so democratic about continuing the system where one man gets to choose every member of a whole House of Parliament? That issue is not touched in this bill.

Finally, I note with grave concern the serious questions that have been raised in this chamber about the constitutionality of this bill. I am profoundly impressed by the arguments of those who say that, partly because of the short tenure chosen but particularly because of the erosion of the independence of senators, this bill would change the fundamental and essential nature and characteristics of this place. If that is the case, then it cannot be passed by Parliament alone. The Supreme Court has told us that.

However, we do not have definitive answers to that or any other question. There are so many questions about this bill to which we really need answers. We owe it to the people of Canada to have the answers to those questions, or as many of them as we can get, before we vote on second reading.

Might I have a few moments' leave to continue, honourable senators?

• (1520)

Hon. Senators: Agreed.

Senator Fraser: Thank you. I think we need those answers before we vote on second reading, which is approval in principle of the bill. This bill is sufficiently important that I think that is essential.

SUBJECT MATTER REFERRED TO COMMITTEE

Hon. Joan Fraser (Deputy Leader of the Opposition): Therefore, honourable senators, I move:

> That Bill S-4 be not now read a second time, but that the subject matter thereof be referred to the Special Senate Committee on Senate Reform; and
>
> That the Order to resume debate on the motion for the second reading of the bill remain on the *Order Paper and Notice Paper*.

The Hon. the Speaker: Is there debate? Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Fraser, subject matter referred to Special Senate Committee on Senate Reform.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill S-207 to amend the Criminal Code (protection of children).—(*Honourable Senator Cools*)

Hon. Roméo Antonius Dallaire: Honourable senators, I rise today to speak in support of Bill S-207, which repeals section 43 of the Criminal Code. This section authorizes parents and teachers to use force to discipline a child.

I have risen for two reasons. First, because for many years I lived in an environment where I witnessed the abuse inflicted upon children by parents and elementary and high school teachers. Second, because I chair an informal Senate committee established by Senator Landon Pearson to study ways to eliminate child abuse.

At a time when other countries, such as Germany, Israel, Sweden, Austria, Denmark, Norway, Cyprus, Finland, Latvia, Croatia and Italy, are banning this practice that, in my opinion, is not only useless, but plants the seed of human cruelty on the grandest scale, Canada is mired in legal confusion because of ambivalent and paradoxical legislation.

The three main reasons why we as parliamentarians and Canadians must not tolerate section 43 of the Criminal Code are the following: the implementation of the United Nations Convention on the Rights of the Child, the aftermath of such punishment, and the prevention of the escalation and perpetuation of violence.

Canada ratified the United Nations Convention on the Rights of the Child and is committed to implementing its provisions, including Article 19, by taking, and I quote:

> ...all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence.

Therefore, it is clear that section 43 of the Criminal Code violates at least eight provisions of the international convention to which Canada is a signatory.

The Committee on the Rights of the Child has insisted on the fact that corporal punishment inflicted on children is incompatible with the convention. In October 2003, when Canada made its second report on respect of its obligations under the Convention, this same committee said it was:

> ...deeply concerned that the State party has not enacted legislation explicitly prohibiting all forms of corporal punishment and has taken no action to remove section 43 of the Criminal Code, which allows corporal punishment.

The Standing Senate Committee on Human Rights, in its report entitled, *Who's in Charge Here?* found that there could not be full compliance or real and complete protection of the rights of the child without concrete implementation of the convention.

The words and signatures on international treaties only have weight if they are accompanied with concrete action. Abolishing section 43 would be an unequivocal step forward towards implementing the Convention on the Rights of the Child.

As for the issue of rights, punishing a child violates those rights. In her book, *Corporal Punishment of Children: A Human Rights Violation*, which will soon be available in the Library of Parliament, Susan Bitensky supports this argument: to punish a child is to humiliate that child. Punishment implies that a person in a position of authority exerts control and power over a more vulnerable person—more vulnerable, but not inferior. Children are our equals. They are people in their own right.

The report *Who's in Charge Here?* confirms that a rights-based approach implies the obligation to respond to the rights of individuals. The three primary features of this approach, as described in the report, are as follows: first, all rights are equal and universal; second, all people, including children, are the subject of their own rights; and third, an obligation is placed on states to work towards ensuring that all rights are being met.

If we do not have the right to punish or strike an adult, why should we do so to a child or a young person, as young as that person may be? Age cannot and should not be a valid criterion, especially in a society such as ours. On the contrary, children's vulnerability requires that we give them maximum protection without fail and without hesitation. We quite agree, honourable senators.

As Professor Katherine Covell of Cape Breton University confirms, respecting children's rights is essential to the healthy development of society. To develop a healthy society, we must listen to children and young people. We must allow them to have a say in decisions that concern them and affect their lives. Involving children in finding appropriate solutions to their problems is worthwhile and highly useful. Children are citizens. The report *Who's in Charge Here?* indicates that a rights-based approach recognizes, and I quote:

> — children as full participants along with their parents and the state. This approach requires that adults respect the best interests of the child and justify their actions towards children based on reason, maximum social good, and consideration of children's rationality and preferences.

Honourable senators, the Committee on the Rights of the Child recommended that Canada, and I quote:

> ... adopt legislation to remove the existing authorization of the use of "reasonable force" in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed.

Our children deserve to live in an environment where their development is encouraged, an environment where they are protected through prevention.

• (1530)

I am convinced that the greatest benefit of this bill, introduced by my colleague, Senator Hervieux-Payette, is to prevent an escalation in violence and the cycle of abuse.

Studies have again shown that not only is corporal punishment ineffective, but with it comes a high risk of escalation. Violence breeds violence. It has been proven that children who suffer minor physical violence — such as pinching and spanking — are seven times more likely to suffer more serious violent treatment — punching, kicking, or being hit with objects — than children who have not suffered minor physical violence.

Furthermore, studies have established a link between corporal punishment and increased aggressive behaviour in children. Children who receive corporal punishment are more likely to act out, attack their siblings, hit their parents and retaliate aggressively against their peers or future partners. In short, corporal punishment violates children's dignity and physical and moral integrity, thus constituting a violation of their human rights. According to Susan Bitensky, corporal punishment shows a lack of consideration towards our fellow humans, our children and our youth, and degrades them to an anachronistic, inhuman state.

As a responsible nation, we must take into account the recommendations of the Committee on the Rights of the Child, as well as those made in the Coalition in its Joint Statement on Physical Punishment of Children and Youth, which stated that:

> Children in Canada must be given the same protection from physical assault as that given to Canadian adults and to children in a growing number of countries. Our children's rights to physical integrity and dignity must be recognized in our law.

Canadian laws must be consistent in communicating a clear standard compatible with Canada's 1991 ratification of the United Nations Convention on the Rights of the Child. Furthermore, the law must not contradict the growing body of conclusive evidence showing that physical punishment offers no benefit; rather, it only produces negative results for children and adolescents.

Finally, honourable senators, allow me to urge you to refer this bill, without delay, to the committee responsible for studying it. Let us not delay the inevitable any longer. Let us show our humanity by respecting the fundamental rights of human beings and repealing section 43 of the Criminal Code.

[*English*]

Hon. Sharon Carstairs: Honourable senators, I do not suspect it will come as any surprise for me to rise and speak on this bill since I introduced an almost identical bill ten years ago.

I do want to put words on the record as to why I believe the time is right for us to repeal section 43 of Canada's Criminal Code. I challenge all of you to read the Criminal Code. There are, in the Criminal Code, few provisions that are permissive. Almost all sections of the Criminal Code are prohibitive: you cannot do this or that. We do, however, have this one clause that stands out and it is permissive. It says you may use corporal punishment against a child.

If one goes back in terms of the history of this country and of our mother Parliament, the United Kingdom, you will quickly learn that such laws did not always apply only to children. They applied to women as well. You could use corporal punishment as long as the rod was not any thicker than a man's thumb.

We have had the use of this law with respect to those who are mentally disabled. We have had the use of this law with respect to apprentices. We have had the use of this law with respect to midshipmen. Over the years each and every one of those provisions has been removed. Have women run amok around the country? Have midshipmen taken over the ships of the nation? Have apprentices taken over the plants? I think not.

Why are we so frightened to remove this provision with respect to children? I think there are two reasons. One is our concept of possession. Far too many of us still consider our children to be our possessions. Children are not our possessions. They are entrusted to our care, including the care to discipline, but they are themselves. They are their own intrinsic entity.

The other, and it is profound, is the belief that if we take this permission from parents and in some cases teachers — although the Supreme Court stated clearly that teachers no longer had this right — somehow or other we would have inadequate ability to discipline.

I can understand that fear by people who do not have strong parenting skills because as a society, frankly, we do a bad job of providing people with parenting skills.

I noticed when Senator Cochrane spoke on this subject, she made reference to prenatal classes we give everyone as a matter of course and right, but nothing in any of those classes — and I pulled up the curriculum for a number of them — ever talks about what to do after the child is brought home. No parenting skills are taught.

Most of us have experienced the incredible frustration of a child who constantly cries. After doing everything possible to make this child happy, nothing seems to work. Does that give us the right to hit the child or to use corporal punishment against this child?

Like Senator Cochrane, I have spent a number of years in the classroom and, yes, I had some unruly youngsters. My children always said, you never had to hit us, you just had to use "the voice." That is true. The voice is strong. It worked well with high school students. It was a bit of a joke in almost every school I taught in that I was the only teacher in the school who could work the entire auditorium or gymnasium without a public address system.

I am a firm believer in discipline, but I am a firm believer in self-discipline. That is how children learn.

Children who get their driver's licence and insist on driving above the speed limit, even though they may not be caught by the police but are caught by their mothers, quickly know, when they walk in the back door, the keys are handed over and they do not get them back for several months. That is discipline.

• (1540)

A child who could not learn to sit properly at a table found themselves removed from the table. Timeouts, in a loving way, are the basis for discipline. When a child learns that inner discipline — that life is quite happily lived when that child can discipline themselves — then not only does one have a happier child, I would suggest that one has a much happier family.

Canada consistently has been in violation of the Convention on the Rights of the Child. When, with the Standing Senate Committee on Human Rights, I went to Geneva and we met with the UN committee, I was deeply ashamed to have to say that yes, Canada is in violation and that no, I do not know when we will ever be in compliance.

I remember particularly one member of the committee from Sweden who said to me, do you think Swedish children are that much more undisciplined than Canadian children? I had to say no because I have been in Sweden and have seen Swedish children, and they seemed every bit as disciplined as Canadian children. However, they prohibit corporal punishment.

Some people wonder how we will protect the child from self-injury — the child who wants to run across the street and does not want to hold their mother's hand. That is the common law defence of necessity. Of course, you grab that child. You cannot be accused of having committed a criminal act because you saved the child from being hit by a car. It is the defence of necessity.

Children learn from what they see, hear and feel. A child who hears violence learns violence. A child who feels violence knows that it is somehow or other acceptable to let others feel that violence.

Honourable senators, we have a responsibility to the children of this country. We have a responsibility to ensure that they not only have food, shelter and clothing; they have the right to be free — a disciplined free, but not through the use of corporal punishment.

On motion of Senator Comeau, debate adjourned.

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future. —(*Honourable Senator Watt*)

Hon. Charlie Watt: Honourable senators, I would like to share with you the latest information I have in regard to the lack of clean drinking water. Since I last spoke in this house on this subject, the situation has not improved in the North or across the country. I am still very much concerned because for Aboriginal people across the country, especially in the Arctic, it is not easy to access clean drinking water.

As honourable senators know, chlorine is still being used to purify water. Also, certain regulations that should be followed do not exist in some remote northern communities. For that reason, I support what Senator Grafstein has been attempting to accomplish for a number of years. He has been trying to give the central government at least coordinating responsibilities in that area, even though water is under provincial jurisdiction. I do not understand why the government cannot not take responsibility and coordinate matters related to clean drinking water. Water is important to everyone; it is our future.

More importantly, in regard to Aboriginal people's access to clean drinking water, it is at the point where we do not know anymore who is responsible for clean water. When the provincial government is approached, it has a tendency to say that it does not have any money and that drinking water is a federal responsibility. When we go to the federal government, we get the same response — this is a provincial responsibility, go to the provincial government. We keep getting the runaround.

We have to put a stop to this, honourable senators. Resolution of this issue is long overdue. This item has been on the Order Paper for quite some time, and we should move it forward without further debate.

I understand that the Standing Senate Committee on Energy, the Environment and Natural Resources is undertaking a study of the Canadian Environmental Protection Act, which was passed back in 1999. I believe that Bill S-208 should be referred to that committee so that it can study the bill while it is reviewing CEPA.

I am led to believe from Senator Adams, who is a member of the Energy Committee, that the committee is reviewing the shortcomings of CEPA and matters that were not taken into account at the time it was enacted. If we refer this bill to that committee now, the committee can deal with it.

[*Translation*]

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Are honourable senators ready for the question?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I believe some of you would like to speak to this motion. Accordingly, I would like to take the adjournment of the debate.

The Hon. the Acting Speaker: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that the debate stand until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

[*English*]

Senator Watt: I am sorry, Your Honour. I am trying to say that I would like to refer this bill to committee and not just let it sit here on the Order Paper.

[*Translation*]

The Hon. the Acting Speaker: Honourable senators, we have before us a motion to adjourn the debate or stand it until the next sitting of the Senate. Before considering any other matter, we must first dispose of the motion now before us.

Hon. Eymard G. Corbin: Honourable senators, this is a fine example of how difficult it is for Senator Watt to express himself in a language other than his mother tongue.

• (1550)

I understood what he was doing at the end of his speech, in terms that, for him, were borrowed from English; he moved that the issue be referred to the committee. He may not have done so strictly according to the *Rules of the Senate*, but he definitely intended to do so, and he phrased the motion as he was able, in English.

I think that it is incumbent on the Speaker to put the question so that the Senate can dispose of it or debate it, as honourable senators choose.

I warn you, though, because there is a serious language problem in the Senate, and until we solve it, we will be faced with situations such as this.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, if memory serves, you clearly understood Senator Watt's motion and put the question. Senator Comeau then moved adjournment of the debate on Senator Watt's motion, according to the rules of the Senate.

However, Senator Watt is right; this bill has been on the Orders of the Day for a very long time already, and it appears that the Standing Senate Committee on Energy, the Environment and Natural Resources is about to begin a relevant study.

Since we are soon going to leave for the summer — and I assume that the committee will not sit during the summer — I wonder whether we could reach a compromise and agree to adjourn the debate today and hold a vote on Senator Watt's motion during the first week Parliament resumes in the fall. It seems to me that this would be a natural solution to our problems.

Senator Comeau: Honourable senators, we will try to proceed with diligence and all due respect so that this bill is referred to the committee as soon as possible.

However, I would like to reiterate my invitation to the honourable senators who would like to take part in the debate on this bill, because I would like to give them the opportunity.

Upon our return, if all of the honourable senators who wished to speak to this issue have done so, we will proceed with diligence and refer this bill to committee.

[*English*]

Senator Watt: I apologize for confusing honourable senators with my effort. Perhaps if I were to speak Inuktitut I would be understood fully.

Honourable senators, I would agree to deal with this matter when we come back in the fall provided we expedite it and refer it to committee immediately. I have no difficulty with that.

Senator Comeau: I cannot let this go without saying that I understood quite clearly what Senator Watt was trying to say. I know that Senator Watt's second language is English and that he must search for words at times. I understood that his motion was to have the subject matter of this bill referred to committee this afternoon. I do not think the fact that English is his second language caused him to not express himself as fully as he is capable of doing. I did get the message, Senator Watt.

[*Translation*]

The Hon. the Acting Speaker: Honourable senators, I did not understand Senator Watt's motion to refer the matter to committee, and I thought we were going to proceed to vote on second reading of the bill, then refer it to committee.

Of course, the speaker is amenable, if there is agreement, to giving honourable senators one more chance to look over the bill when they return this fall before sending it to committee without further delay.

[*English*]

Senator Watt: Honourable senators, for correction, please, I did not say "subject matter," but rather I said, "the bill" should be referred to committee. There is a difference between the two.

Senator Comeau: That is a good point.

[*Translation*]

The Hon. the Acting Speaker: Honourable senators, we still have before us Senator Comeau's motion to stand the item until the next sitting. I believe there has been some discussion about this to the effect that we will pay special attention to it this fall.

I would now ask honourable senators if they agree to Senator Comeau's motion, seconded by Senator Stratton, to stand the item until the next sitting.

Some Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

[*English*]

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE ADJOURNED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Jerahmiel S. Grafstein: Honourable senators, this bill has been on the Order Paper since May 9, 2006. Effectively, if this is put over to the fall, it will kill the bill, which calls for the establishment of a national philanthropic day in November. Consider the time frame to send it to other place, even if it were passed quickly in this house. Senator Prud'homme supports the bill and wishes to speak to it today so that it can be referred to committee.

[*Translation*]

The Hon. the Acting Speaker: Honourable senators, in such cases, when someone indicates that they wish to have an item stand until the next sitting, it is assumed that they wish to have the debate continue at the next sitting of the Senate.

[*English*]

On motion of Senator Prud'homme, debate adjourned.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING—
ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Keon*)

Hon. Jerahmiel S. Grafstein: Honourable senators, I do not want to try the patience of the Senate but this is a companion piece to an earlier bill that Senator Watt wanted referred to committee. I had hoped that the Senate would give this bill the same consideration and refer it to committee at the same time. I understand that the committee is anxious to receive this bill and proceed with its consideration. Perhaps this bill could be afforded the same general understanding by the Leader of the Government in the Senate or the Deputy Leader of the Government in order to proceed with the bill. The committee is waiting for this bill so that it can be more effective and efficient by considering it in conjunction with other bills already before it.

The Hon. the Acting Speaker: Senator Grafstein, I understand your debate. The Senate will endeavour to be as expeditious as possible in referring the bills to committee in the fall. This could be the last sitting day before the summer recess.

• (1600)

Hon. Tommy Banks: For the record, Senator Grafstein is correct. There is a certain efficiency attendant upon the committee to which I expect this bill will be referred in studying the bill with alacrity because that committee is now engaged in the mandated statutory requirement for a review of the Canadian Environmental Protection Act. There are clear connections between that act and this bill which will permit a piggybacking of certain kinds of questions and of certain important witnesses. If we had the reference before us, we would be able to deal with it efficiently.

Order stands.

STUDY ON STATE OF HEALTH CARE SYSTEM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Out of the Shadows at Last*, deposited with the Clerk of the Senate on May 8, 2006.—(*Honourable Senator Kirby*)

Hon. Joan Cook: Honourable senators, on May 9, 2006, the Standing Senate Committee on Social Affairs, Science and Technology tabled a final report entitled *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*. I am honoured to be a member of this committee.

During 2005, we held a series of public cross-country hearings in every province and territory. We heard from approximately 300 witnesses, which produced more than 100 hours of hearings and created 2,000 pages of testimony. It was a most comprehensive study.

The report contains 118 recommendations, including the establishment of a Canadian mental health commission by September 1, 2006. On November 24, 2005, former Minister of Health Ujjal Dosanjh endorsed that recommendation. During the last federal election, Prime Minister Stephen Harper spoke positively about this initiative by commending the Senate committee for its work and saying it would form a part of his government's overall health strategy. I am very hopeful that by the end of this year this initiative will become a reality.

The commission would establish a national focal point for objective, evidence-based information on all aspects of mental health and mental illness. It would serve as a source of advice for governments, stakeholders, and the public and would increase mental health literacy amongst Canadians.

It is important to note, however, that the commission would not provide any services itself, except for the management of a national stigma campaign and the development of a knowledge-based exchange centre, which would collect and disseminate information on best practices.

To implement these responsibilities, the Social Affairs Committee recommended that the proposed mental health commission create a board that would operate at arm's length of government and mental health stakeholders. No single stakeholder group, including the government, would hold a majority on the board, which would remain fairly small and would be comprised of commissioners who have appropriate experience and qualifications.

Last month, I held a roundtable with 30 people in my home province of Newfoundland and Labrador. The participants included witnesses who came before us in June of 2005, plus a number of stakeholders, including representatives of the provincial government. I am pleased to share with honourable senators a summary of that event.

The participants were unanimous in their support of the work of the Senate committee and the proposed mental health commission. There was considerable support for the recommendation that the commission not be based on Health Canada because it was widely felt that bureaucracy may be in some cases difficult to work with.

We also learned from participants that it is important that the commissioners do not come to the commission with their own agendas in the forefront. Vision to see the broader picture is critical.

Honourable senators, the commission needs to help my province, in particular, to reach the national standard for mental health care. At present, we lag behind in structure as well as funding. The imbalance of funding across the country makes per capita funding unreasonable.

From the perspective of Newfoundland and Labrador, the priorities are as follows: First, move to a collaborative or team model of care for mental health consumers. We need a community-based model of care, realizing the continuing need for specialized tertiary care and that access is critical to recovery.

Second, increase the amount of mental health education material given to health care providers, mental health consumers and their families and the general public.

Third, improve services to those living in rural and remote areas.

Fourth, pay more attention to identifying and treating mental health conditions when they first occur, especially those beginning in childhood.

Honourable senators, in conclusion, *Out of the Shadows at Last* is the culmination of an unyielding commitment with a passion for change by witnesses, stakeholders, staff and senators alike in how mental health services are to be delivered in this country. Indeed, it is fair to say we have made our path by walking it.

On motion of Senator Cordy, debate adjourned.

THE SENATE

AMENDMENT TO THE CONSTITUTION OF CANADA— WESTERN PROVINCIAL REPRESENTATION— REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Austin, P.C.:

That

Whereas an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assemblies of the provinces as provided for in section 38 of the *Constitution Act, 1982*;

And whereas it is desirable to amend the Constitution of Canada to provide for a better balance of western regional representation in the Senate;

And whereas it is desirable that the 24 seats in the Senate currently representing the division of the western provinces be distributed among the prairie provinces of Manitoba, Saskatchewan, and Alberta, and that British Columbia be made a separate division represented by 12 Senators;

Now, therefore, the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE
AMENDMENT TO THE CONSTITUTION OF CANADA

1. Sections 21 and 22 of the *Constitution Act, 1867* are replaced by the following:

"21. The Senate shall, subject to the Provisions of this Act, consist of One hundred and seventeen Members, who shall be styled Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of Five Divisions:

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick, and Prince Edward Island;

4. The Prairie Provinces of Manitoba, Saskatchewan, and Alberta;

5. British Columbia;

which Five Divisions shall (subject to the Provisions of this Act) be represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; the Maritime Provinces and Prince Edward Island by Twenty-four Senators, Ten thereof representing Nova Scotia, Ten thereof representing New Brunswick, and Four thereof representing Prince Edward Island; the Prairie Provinces by Twenty-four Senators, Seven thereof representing Manitoba, Seven thereof representing Saskatchewan, and Ten thereof representing Alberta; British Columbia by Twelve Senators; Newfoundland and Labrador shall be entitled to be represented in the Senate by Six Senators; Yukon, the Northwest Territories and Nunavut shall be entitled to be represented in the Senate by One Senator each.

In the Case of Quebec, each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter One of the Consolidated Statutes of Canada."

2. Sections 26 to 28 of the Act are replaced by the following:

"26. If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Five or Ten Members be added to the Senate, the Governor General may by Summons to Five or Ten qualified Persons (as the Case may be), representing equally the Five Divisions of Canada, add to the Senate accordingly.

27. In case of such Addition being at any Time made, the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, to represent one of the Five Divisions until such Division is represented by Twenty-four Senators or, in the case of British Columbia, Twelve Senators, and no more.

28. The Number of Senators shall not at any Time exceed One hundred and twenty-seven."

CITATION

3. This Amendment may be cited as the Constitution Amendment, [year of proclamation] (western provincial representation in the Senate).—(*Honourable Senator Comeau*)

Hon. Sharon Carstairs: Honourable senators, I want to congratulate Senator Murray and Senator Austin for a very innovative idea they have put forward by way of this motion.

I have long advocated that British Columbia be considered a region. I must say, however, that I do not think the motion goes far enough. Let me briefly explain why.

It has been recommended that British Columbia be given 12 senators. If one looks at the population of the provinces of Quebec and British Columbia, then 14 senators for British Columbia would be a much more appropriate number. Indeed, that would make the ratio for Alberta, at 10, quite acceptable because senators would both represent about 310,000 people within that province.

I would also suggest that there should be room for growth. If we look at the Province of British Columbia, which is a fast-growing province, as is the province of Alberta, we should be looking to a time when British Columbia may be an absolutely full region, like the regions of Ontario and Quebec. As the census gives more numbers to the province of British Columbia, then British Columbia could, 30, 50 or 100 years from now, actually grow to having 24 senators.

Alberta would remain part of that equation, as would my home province of Manitoba and my next-door neighbour, Saskatchewan. I would like to see the new region, which I guess would be called the Western Region or the Prairie Region, have the potential to grow to 30 senators, like the Atlantic provinces.

That would give a certain balance, I would suggest. If a region is one province and one province only, then the maximum number could be 24. However, if a region included more than one province, then that region could have up to 30 senators, as of course has happened in Atlantic Canada.

• (1610)

In terms of representing western Canadians, of course western Canadians feel that they are inadequately represented in this place. While the numbers are certainly for them in the House of Commons, they are not increasing in the House of Commons for the provinces of Saskatchewan and Manitoba. For us to be part of a region, we would like to think that our representation will increase as well. The solution put forward by Senator Murray and Senator Austin goes some degree toward that.

Honourable senators, this other area is only one with respect to Senate reform that needs our care and our attention. I know that Senator Watt cares passionately — and I agree with his concern — that we have representation guaranteed for Aboriginal senators. I know that Senator Chaput has expressed interest in ensuring that francophones who live outside the province of Quebec be adequately represented.

We have always had thoughtful appointments by Prime Ministers, who have made sure that there was francophone representation for Quebec, but I can understand the desire of francophones in Quebec to have more of a guarantee than just the good wishes and the good sense, if I can put it that way, of a Prime Minister. Francophones in Quebec would like further representation in the Constitution.

Honourable senators, once again, I thank Senators Murray and Austin for putting this concept forward. It provides a whole raison d'être for the special committee, and particularly for the concept of what rights we have in the House of Commons and Senate to amend the Senate of Canada.

I, therefore, leave with only this remark. I think we have little in the way of rights to amend the Senate of Canada by just the authority of the House of Commons and the Senate. We need to engage the provinces and territories of this country. We need to engage the First Nations of this country. Frankly, to be constitutionally wise, we should send a reference to the Supreme Court of Canada.

Hon. Marcel Prud'homme: I have a short question and comment. If it were to be sent, I would be more than happy.

Having been in Parliament 42 years, I do not need to apologize for giving the impression that I am listening to the debate again that has taken place during my last 42 years about reform of the Senate, including the numbers of seats that were specifically designed, as I said, in the first proposal, in 1970, when I went all across Canada with Senator Molgat who became our Speaker, and Mr. MacGuigan. I have an impression from listening to this representation that we are back to square one with Meech Lake. The views expressed by some honourable senators seem close to some of the proposals that were included there.

I am fully supportive, except for the last "whereas." It would give more strength to the bill if you were to direct where the 24 seats should be, and what should be sent to a committee is the two "whereas" clauses. With regard to the third one, that 24 seats, et cetera, honourable senators will remember that after a vigorous debate in the Liberal caucus one afternoon, the Right Honourable Prime Minister Chrétien added a fifth veto on certain matters. I must admit I had raised that question the day before. I said I am of the opinion that if the Liberals have any sense they will get up tomorrow morning in caucus and propose that British Columbia be given a veto, one of the five vetoes of Canada in certain matters. I do not want to debate that today.

Would it not add strength to the honourable senator's proposal to send it to a committee if the committee was not told exactly what to study because then committee members would get lost in the numbers.

What we want is better representation for Western Canada as a whole. How will it be done? That subject matter should be referred to the committee. However, it is only a proposal.

Senator Carstairs: Honourable senators, there are two ways of looking at the matter. You can send a general proposition or you can in fact send what Senator Murray and Senator Austin have proposed, which is a specific proposition.

The result will be the same. The committee will analyze this proposal, but I do not think that they will limit themselves to it. They will look at other proposals. I have put forward a broader definition of this proposal. I am sure other senators will come forward with more suggestions. I must say, my principal concern at this juncture is not so much the specific ideas but whether we have the constitutional authority to have a constitutional amendment passed only in the House of Commons and the Senate that will change forever the Senate as it currently exists. I do not think we have that authority.

Senator Prud'homme: I do not think so either.

Senator Carstairs: I do not know what this committee will resolve. I am not sitting on the committee. However, I do not mind putting broad concepts and broad ideas before the committee, and I trust them to come back with a proposal to the entire chamber.

Hon. Charlie Watt: Honourable senators, I for one would also like to put myself on the record concerning the subject matter we are dealing with, so-called Senate reform.

Honourable senators, a few years back, trying to put Aboriginal subject matter into the minds of the political players leading up to 1982, I remember clearly one area that was on our agenda, but we did not have a chance to put it forward, to expedite it and make it happen. That is to say, Aboriginal people in this country have to participate when constitutional reforms are dealt with or taken into consideration.

More important, I would like to take advantage of the fact that Senator Murray has put forward the resolution or motion, with Senator Austin, describing the need for proper and equal representation from the West.

There is a group in this country that is currently unrepresented. I would like to highlight this point and make sure it goes on the record. The Aboriginal people in this country are under-represented. They happen to be the first people to occupy this land, the great land we call Canada today.

Unfortunately, our forefathers did not take into consideration that I would be standing here today, dealing with the subject matter that they dealt with many years ago, and that is how the country should be run. I believe our people have contributed to helping the newcomers in many different ways: safeguarding them, directing them and helping them to survive. I think it is only fair that they return the respect.

I believe this chamber is a good place to return the respect and increase the numbers of Aboriginal people by way of a special appointment to guarantee a seat for the Aboriginal people.

If Senator Adams and I were gone, as well as the other Aboriginal senators, there is no assurance and no guarantee that we will be replaced by Aboriginal people. On that account, I would like to put on the record the idea of an amendment that will take place down the road, which would require provincial input. I believe the bill before us today requires provincial input.

For that reason, I would like honourable senators to agree that, when a genuine amendment is taken into consideration, the Senate will recognize that Aboriginal people deserve proper and equal representation.

• (1620)

Hon. Lowell Murray: Honourable senators, if there are no further speakers, it would be my intention to make a motion, which, as you instructed us last night, can be made without notice, to refer the motion to a committee before it.

The Hon. the Speaker: If Senator Murray does speak, I will remind honourable senators that it will have the effect of closing the debate.

Senator Murray: Let me make just a few remarks inspired by what we have heard today in particular. Listening to Senator Watt, I cannot forbear to recall that we have come a long way since Prime Minister Diefenbaker appointed James Gladstone to this house in the 1960s at about the same time that Parliament finally granted the vote to our Aboriginal peoples in House of Commons elections.

Since that time, the story has been one of increasing representation, both in quantity and quality, for the Aboriginal peoples in this place. However, I am extremely sensitive to what the honourable senator has just said. Senator Watt would seek some provincial consent to have a certain number or a certain proportion of seats set aside for representatives of the Aboriginal peoples. I appreciate the point the honourable senator makes, although there are half a dozen here now.

Senator Banks: There are seven.

Senator Murray: There is no guarantee they would be replaced by other Aboriginal people. Minorities, and they are a minority, can never depend indefinitely on the goodwill of the majority.

An Hon. Senator: Hear, hear!

Senator Murray: Other minorities have found that to be true. That is why we have a Charter and constitutional guarantees of various kinds. I am very sympathetic to the questions that the honourable senator raised, and I hope they will be canvassed properly and fully at the committee.

I am also quite sensitive to the issue that was raised by Senator Carstairs, which is whether we have achieved the right number in proposing 12 seats for the new region of British Columbia, and 24 seats to be divided 10, seven and seven among Alberta, Saskatchewan and Manitoba.

Senator Austin and I are not dogmatic on this point. He said last night he was open to persuasion. Senator Tkachuk would go farther than Senator Carstairs. He has suggested we go all the way and give British Columbia full regional representation in the Senate with 24 members. In that respect, Senator Tkachuk is a Liberal in a hurry.

Whether it is 12 or 14, as Senator Carstairs suggests, or 24, we propose 12 and 10, four and four for the Prairie region because that is what our soundings indicated to us was practical, feasible and politically palatable in the Senate and, to the extent we have knowledge of it, in the rest of the country among the provinces. I can say this for myself — and I think I can speak for Senator Austin — that if another and different consensus emerges, then we would submit to it and share it.

Finally, Senator Carstairs mentioned that while the representation of all of the West is increasing in the House of Commons, the representation of Manitoba and Saskatchewan has not been. It has been standing still. I should put this on the record because there is a balance between the Houses. Manitoba, Saskatchewan and five other provinces, namely, Quebec and the four Atlantic provinces, are overrepresented in the House of

Commons on the basis of representation by population. When the calculation is made as to the number of seats that each province is entitled to in the House of Commons, British Columbia, Ontario and Alberta have their quota. The representation of all of the other provinces is raised to take account, first, of the Senate floor established in 1915, that no province could have fewer seats in the House of Commons than it has in the Senate, a clause that protected Prince Edward Island and now protects all of the other Atlantic provinces. Second, the 1985 Representation Act brought in by our friend the Honourable André Harvey provided a grandfather clause for all the provinces, in that no province in the future redistributions would have fewer seats than it held in the thirty-third parliament, or in 1976. As a result, three of the Atlantic provinces have an extra seat or two on the Senate floor, and the grandfather clause. Manitoba, which I think would have nine seats, ends up with 14, and Saskatchewan, which would have 10, ends up with 14. Quebec, which would have 68, ends up with 75. I am speaking from memory, but I think I have the numbers right.

Boosting Alberta to 10 seats seems to me to be manifestly justified under those circumstances. Boosting British Columbia to 12 in the Senate is justified also because that province and Ontario are the only provinces that are not overrepresented in the House of Commons.

I just make those points, and for the record, Senator Carstairs and others have indicated that this motion to amend the Constitution is one of the matters that should be canvassed at the special committee that we established the other day.

Let me just say, since honourable senators in the two official parties here did me the honour of appointing me to that committee, that I hope we will not succumb to the temptation to make it an extended seminar in constitutional history, constitutional law, theory of federalism or any of those things. My enthusiasm for the project would quickly go south — or east, rather, to Cape Breton, if that were the case.

We all know how we got here. We have access to past studies and there is a particular context in which we are studying this matter today. The context is that the present government has brought forward a bill purporting to go to fixed eight-year terms for the Senate, and purporting to be able to do so under Section 44 of the Constitution, at the same time promising that they will be moving, apparently, by non-constitutional means, to an elected Senate. Senator Austin and I have this motion on the floor. Let us try to crunch some of those issues as best we can, and we may serve the cause of Senate reform well and in a practical manner.

• (1630)

REFERRED TO COMMITTEE

Hon. Lowell Murray: Honourable senators, I move that the motion be referred to the Special Committee on Senate Reform.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

An Hon. Senator: On Division

On motion of Senator Murray, motion referred to the Special Senate Committee on Senate Reform, on division.

Hon. Willie Adams: I have a question for Senator Murray before the matter is moved to committee. Somehow the Speaker did not see me rising.

The Hon. the Speaker: It has been decided that the question will be referred to the committee.

Is there leave to allow Senator Adams to ask Senator Murray a question?

Hon. Senators: Agreed.

Senator Adams: Thank you, honourable senators. Nunavut has had a very small population since we settled our land claim in 1993. Nunavut has been operating for over ten years. Our current population of Inuit people is only about 30,000. There are about another 10 Canadians living up there.

The land claim was for 1,900,000 square kilometres of water and land. I just came back last week from Grise Fjord, which is approximately 1,500 miles from Ottawa. I think that in the future, rather than having representation by population in the Senate, we should have representation based on land base. In this and the last two or three years, oil and gas and mining companies from southern Canada will spend an estimated $10 billion in exploration in Nunavut. Yet, only one person represents that area in the Senate. Many people from Ontario are making money up there. Why should we not have representation based on land base rather than on population?

Senator Murray: Honourable senators, Senator Watt is welcome to try that on at the next set of negotiations or, indeed, at the Senate committee hearings.

I am not sure that representation in the Senate, however significant, authentic and symbolic that is, is the major problem facing Nunavut these days. I just concluded work on a provincial-territorial committee on fiscal matters. We met with the Government of Nunavut as well as the governments of other territories and some people there. It seems clear to us that the arrangements made in 1992 with the creation of Nunavut, less than ten years ago, have not been adequate. The economic and social conditions there are seriously in need of further investment, and we have made those recommendations. I note that the federal panel on equalization that looked at the financial arrangements between Ottawa and the territories also agreed that a special case must be made for Nunavut because of the conditions of which we are all aware.

Honourable senators, more than that I cannot say except that I think the problems of all the territories, and Nunavut in particular, should engage the priority attention of legislators here and in the House of Commons. I made the point in a debate here some months ago that the negotiations between the federal government and the Northwest Territories on resource revenue sharing have been dragging on for 20 years and have not come to a satisfactory conclusion. For every dollar of revenue produced by diamond mining and other harvesting of resources, less than a dime ends up in the territorial treasury. There is a lot to be debated and done, and I accept that.

I suppose that to some extent land is a factor. We have talked about geographical regions in setting up the Senate. However, I would not anticipate that in the present exercise there will be much increase in territorial representation in the Senate.

DALAI LAMA

MOTION TO BESTOW HONORARY CITIZENSHIP ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Cordy:
>
> That
>
> Whereas Tenzin Gyatso, the fourteenth Dalai Lama of Tibet, has been recognized with the Nobel Peace Prize as one of the world's leading champions of peace and non-violence;
>
> Whereas His Holiness the Dalai Lama will visit Canada from September 9th to the 11th of this year; and
>
> Whereas the Senate of Canada has previously acknowledged historic visits to Canada by other leading champions of human dignity, such as Raoul Wallenberg and Nelson Mandela, by adopting motions granting them "honorary Canadian citizenship";
>
> Therefore, the Senate of Canada supports the resolution of the Other Place to bestow the title "honorary Canadian citizen" on His Holiness the Dalai Lama of Tibet.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I wish to thank those who intervened yesterday. This issue is one in which I obviously have a very strong interest. There are a couple of issues that need to be clarified.

I would first like to deal with the fact that the motion contains a reference to a visit by Raoul Wallenberg.

Hon. Eymard G. Corbin: On a point of order, is Senator Di Nino closing the debate?

The Hon. the Speaker: Senator Di Nino has five minutes remaining in his time. He adjourned the debate for the remainder of his time. During debate and questioning yesterday, some difficulties with the motion were commonly identified. I anticipate that we may hear from Senator Di Nino something about rewording the motion, for which he will need the consent of the house.

MOTION MODIFIED

Hon. Consiglio Di Nino: Honourable senators, there is a reference to a visit by Mr. Wallenberg. I should have known better because I did quite a bit of research when I presented my motion.

I would like to ask leave, pursuant to rule 30 of the Senate, to modify the motion to delete the words "historic visits to Canada by" in the third paragraph of the motion. The motion would then read:

> Whereas Tenzin Gyatso, the fourteenth Dalai Lama of Tibet, has been recognized with the Nobel Peace Prize as one of the world's leading champions of peace and non-violence;
>
> Whereas His Holiness the Dalai Lama will visit Canada from September 9th to the 11th of this year; and
>
> Whereas the Senate of Canada has previously acknowledged other leading champions of human dignity, such as Raoul Wallenberg and Nelson Mandela, by adopting motions granting them "honorary Canadian citizenship";
>
> Therefore, the Senate of Canada supports the resolution of the Other Place to bestow the title "honorary Canadian citizen" on His Holiness the Dalai Lama of Tibet.

I have that modified version in both official languages.

Honourable senators, the only change was the removal of the words "historic visits to Canada." Otherwise, the motion remains exactly as it was yesterday.

Yesterday, both Senator Austin and Senator Fraser asked me about criteria and procedures.

• (1640)

I engaged the Department of Citizenship and Immigration and the Library of Parliament. As of 3 p.m., the only information I could obtain were a number of references in debates that I will deal with momentarily. As far as I have been able to determine, there are no criteria or procedures established for granting honorary citizenship. However, in both instances where this occurred previously, both Houses passed resolutions to that effect.

When I was reviewing the information I was able to find, on Thursday, June 7, 2001, in the other place, during the debate dealing with awarding honorary citizenship to Nelson Mandela, Mr. Deepak Obhrai said, among other things:

> ...I think the bestowing of honorary citizenship requires a procedure that all hon. members and all Canadians can support.

He also said:

> That is why I propose that the government set up an all party committee to lay the ground rules for such a high honour. The committee would continue to accept and ponder recommendations and debate the merits of each nominee.

As well, in this chamber, honourable senators, once again dealing with the honorary citizenship for Mr. Mandela, Senator Prud'homme gave notice of a motion which I was unable to confirm was ever moved. His notice of motion said that it will call

the attention to the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.

The Hon. the Speaker: Honourable senators, Senator Di Nino's formal time has now expired. He is requesting leave for a continuance.

Some Hon. Senators: Five minutes.

The Hon. the Speaker: Five minutes.

Senator Di Nino: Senator Cools, in her comments, and this is a little strange, because the motion was never moved, but she asked for and was given permission to speak on this issue. I quote what she said on this point.

> At some point in time, perhaps we could begin, as a Senate chamber, to look at the question of how we choose those on whom we confer the phenomenon of honorary citizenship. While we are at that, we should also look at the whole phenomenon of how we confer honours, how we choose them, and what kinds of honours are most fitting to any nation or any country.

Therefore, it seems there are no established criteria for procedures, and there do not seem to be any rules as to whether we, as a Senate or in the other place, can do this on our own. I believe I have answered all questions that were posed yesterday. I hope honourable senators will see fit to pass this motion today.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I want to be sure that I understand.

I believe the honourable senator said that in the previous cases, both chambers passed resolutions. Basically, the motion is a resolution. In his view, are we following the same procedure that has been followed in the past?

Senator Di Nino: Yes.

Hon. Marcel Prud'homme: I would not like to speak. I will, rather, make a few comments and take the adjournment of the debate.

We are now in a position of accepting something different from the House of Commons. I have hours of debate prepared. I tried to have a process underway, but I did not succeed. That is why I withdrew.

I was present in the Senate chamber when Mr. Raoul Wallenberg was proposed. It was done on the evening of Monday, December 9, 1985, in the worst way possible, under the utmost of secrecy. It was during members' hours. I allowed it to pass at one minute to six. I was the one who really said who Mr. Wallenberg was in the midst of the urgency of all the members attempting to have him declared an honorary citizen.

We have senators here today who were here on December 10, 1985, when that resolution, proposal or wish — that is the way it was put — came to the Senate. One honourable senator requested a day of reflection to consider his position. That was Tuesday, December 10, Human Rights Day. He said no. Therefore, having no other business to deal with, the Senate adjourned for that day. Some senators from that day are here today.

However, our friend who was higher up at that time, in 1985, convinced former Senator Roblin, the Leader of the Government in the Senate at that time to call Mr. Guy Charbonneau, a friend of mine, who was in Vaudreuil at the time. He was ordered back to Ottawa to call a completely new sitting of the Senate that afternoon past 4 p.m. It is the only time in the history of the Senate it was called back on the basis of national urgency. I see seven senators who were there.

The Senate sat a second full sitting, but some senators who had left did not come to the second sitting. For those who are interested, I refer you to December 9 and 10, 1985. It was completed in the wrong way for a great personality, a great and first honourary Canadian citizen. Remember, honourable senators, that there have been only two honorary citizens in the United States: Winston Churchill and Raoul Wallenberg.

Nelson Mandela was not dealt with in a much better way. Even though one member of the Alliance at that time, Mr. Anders, violently protested, calling him a Communist and a terrorist, and refused to give consent five times, one of our distinguished colleagues here, Senator Oliver, called him back to order. I have the text of June 2001 here today. He strongly disagreed with Mr. Anders for his comments made in the other chamber.

Eventually, people saw the light. After five attempts, Minister Cullen succeeded, and it was then sponsored here by Senator Cools. I contacted the Ambassador of South Africa, who was in the gallery, and we both agreed to the same text. I have the ceremony that took place on November 19, 2001, for those who are interested in how the proclamation was conducted. Honourable senators, that matter was put to the House of Commons at the last minute of Parliament last week, June 22, and it was written improperly.

We are now being asked, without familiarity with the process, to come to terms to establish a process as to how to become an honourary Canadian citizen. I also want the same thing to apply to national days of any kind. We must have a process. One cannot just stand up and ask for consent. At the time, the House of Commons, on June 22, this was not serious.

• (1650)

I am not giving consent. I want to adjourn the few minutes I have left to the next sitting of the Senate so that we have a process and the same resolution. He will be known in September as having been honoured erroneously by the House of Commons, but I hope not by the Senate.

The Hon. the Speaker: It has been moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Comeau, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will signify by saying "aye."

An Hon. Senator: Aye.

The Hon. the Speaker: Let me put it more formally. The motion is moved by the Honourable Senator Prud'homme, seconded by the Honourable Senator Comeau, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion? Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

Hon. Jerahmiel S. Grafstein: Honourable senators, just to clarify my position with respect to this resolution, I listened carefully, as always, to what my colleague Senator Prud'homme has to say about procedure, practice, policies and so on. To my mind, to be fair to our colleague Senator Di Nino, this resolution is absolutely clear on the face of it. He should know, as all senators should, that there is no weight to be given to recitals. They are preparatory and explanatory, but they have no weight. The key is the words, and I repeat them for the sake of the Senate:

> Therefore, the Senate of Canada supports the resolution of the Other Place to bestow the title "honorary Canadian citizen" on His Holiness the Dalai Lama of Tibet.

This is absolutely clear. It is consistent with the resolution in the other place. We are asked to join the resolution in pith and substance. The recitals, to my mind, can be different, because there are different reasons for coming to a conclusion, but in terms of the practice and procedures of this place, this is an absolutely fine, concise and clear concurring resolution. I support it.

Senator Prud'homme: Having been misquoted by my colleague —

An Hon. Senator: Question!

The Hon. the Speaker: One minute please, honourable senator. We are on Senator Grafstein's time. If he would accept questions, questions can be put to Senator Grafstein, We will then be back at debate on the main motion.

Senator Prud'homme: I will put a question to him. In the name of consistency, it is not the same thing. Mr. Raoul Wallenberg never came to Canada. If you carefully read the resolution that was passed so quickly by a gentleman named David Sweet, the member for Ancaster—Dundas—Flamborough—Westdale, he talks about honouring people who have visited us. He was speaking about Mr. Mandela.

I am sorry. The honourable senator is asking for consent to join the House of Commons in a motion that is not correct. What is the Senate all about? Is it to just rubber stamp something done incorrectly by the House of Commons? Read the motion from the House of Commons. The honourable senator knows very well the question I am talking about and that I allowed to pass at one minute to six on December 9, 1985. I was the only one who spoke highly about Mr. Raoul Wallenberg because no one wanted, in their urgency, to declare him a Canadian citizen. We should at least know who was the first honorary Canadian citizen. Today we are asked to join with the House of Commons in a motion that is wrong. Please enlighten me. I am not stubborn; I would just like to be enlightened.

Senator Grafstein: Again, a recital is preparatory, explanatory and can be different in both houses. The key question is whether or not, in pith and substance, the resolution joins the substance of the other house. Again, it reads, "The Senate of Canada supports the resolution of the Other Place ..."

I do not think, honourable senators, it is rubber stamping. We all appreciate the long and arduous arguments Senator Di Nino has made with respect to the Dalai Lama. We all understand it. We sat here and heard it. This is not new. This is not sudden. This is not surprising. This is consistent with his philosophy about this. Quite frankly, I agree with him that we should bestow an honourary Canadian citizenship upon His Holiness the Dalai Lama, each for our own reasons. I agree that he is a man of peace and non-violence and a Nobel Prize winner. That alone would be adequate justification in these circumstances to support this resolution.

[*Translation*]

Hon. Eymard G. Corbin: Honourable senators, I would like to reiterate certain comments I made in the past concerning this type of initiative.

Honourable senators will perhaps recall that I proposed, some time ago, that the Senate, Parliament and the government establish a procedure that would allow for the designation of certain days, months or years to recognize certain causes and special occasions or commemorate certain events or anniversaries, such as the Year of Maple Syrup or the Year of the Dalai Lama.

At present, that procedure is rather vague. Anyone can rise at any time and propose that a week be designated to recognize a special occasion.

Moreover, when I was a member of the other House, I proposed that a National Family Week be designated. Unfortunately, I was a member of the opposition at that time and government members defeated the motion, despite the support of the NDP.

I was appointed to the Senate shortly thereafter. My proposal was taken up by another MP, the other House passed it and the Senate approved that decision to designate a National Family Week.

Since then, a number of other initiatives of this kind have been proposed. Two or three years ago we had before us a proposal to designate 2004 the Year of Acadia. During the study in committee, I suggested that a process be established to determine what steps to take in such situations. I also proposed that a formal protocol be established to mark the occasion. My comments on this matter were ignored several times, in the Senate and in committee, and now we are here with another proposal.

I do not question the moral value of the people we are being asked to honour. Nonetheless, as a senator, I must be sure that things are done in a certain order and not according to the mood of the day, with spontaneity that pleases some and not others.

It is time for Parliament and the Government of Canada to join forces to establish procedural rules and to proceed with some dignity and a definite protocol.

Earlier today, Senator Grafstein spoke to Bill S-204, respecting a National Philanthropy Day. This initiative comes under the same category. We come up with all sorts of proposals. I listen to the intelligent comments, the arguments, and the logic of the motion. And yet, no one bothers with process.

• (1700)

All that I ask is that we establish rules once and for all so that we no longer end up at the close of a session, adopting, under the vague moral pressure that everyone is behaving themselves, motions to which we will not object because the cause is noble.

I would certainly like everyone to honour my first ancestor who came to Canada. What would stop me from proposing such a thing one day? And who among you would object? That is what is so ridiculous about this situation. Let us establish a process once and for all and proceed with these designations with honour and ceremony.

To resolve this issue, we ought to refer this motion to committee, but the Senate already decided a few moments ago that it was out of the question to send it to committee at this time. The debate remains open. I will not adjourn the debate today and it is with the greatest possible passion and sincerity that I say to you, honourable senators, ladies and gentlemen of the government — bring some order to all of this! It is starting to become ridiculous.

[*English*]

Hon. Hugh Segal: Honourable senators, I am always informed and educated by my colleague, Senator Corbin, whose judgment and sagacity I have come to respect on our Standing Senate Committee of Foreign Affairs, as I am by Senator Prud'homme whose great service to the Parliament of Canada for so many years reflects his commitment to fairness, decency and balance on some of the more difficult issues of our time.

Let me suggest, as a relatively new person and member of "le Parti vert ici" that there are really two issues before us. Like the two-thirds majority in this house, I was appointed by a Liberal Prime Minister and let me say there are two issues before the chamber. The first aspect is the substantive issue of the Dalai Lama. I put it to colleagues that with the arrival of His Holiness in early September, before this chamber is likely to reconvene, based on whatever the leadership of the two parties decide, our opportunity to be supportive of the House, which did pass the motion unanimously on a multipartisan basis, is probably now or never and I would be troubled, just in view of what the Dalai Lama has come to represent not just to us in this place or only those who have strong views about Tibet — I do not number myself amongst those — but to those who have strong views about peaceful coexistence, cooperation and the spirituality of his linkage with so many millions of young people across the world, this is a constructive opportunity. I would hope that colleagues would choose not to pass it up.

Having said that, I would be more than delighted to collaborate with other colleagues on a motion with respect to setting up precisely the formal committee that Senator Corbin so constructively underlined, relative to a process Senator Prud'homme has also referenced on so many prior occasions. We have an opportunity to affirm our support for the Dalai Lama as a personage of standing and spiritual significance for all Canadians and, at the same time, make a common undertaking across the floor, if honourable senators are prepared to do so by virtue of what we put on record, to deal with the issue in a constructive way in the fall so this kind of matter cannot come before this body in this fashion ever again. Certainly on that basis I would be very supportive of my colleague's motion.

Senator Fraser: Senator Segal has it just spot on right. I believe that there is strong support in this chamber for the motion concerning the Dalai Lama, and I cannot blame Senator Di Nino for using the system as it now exists. That is the system. That is what he and our colleagues in the other place have used.

Senator Prud'homme, Senator Corbin, and now Senator Segal, are absolutely right; it is not as good a system as it should be. Therefore, I, too, would be glad to cooperate, if, when we return, we were to strike a working group to come forward with recommendations about how we could establish a better procedure to bring some regularity. I would not want to do away with all spontaneity. We are supposed to have spontaneity in Parliament; there is not enough of it. I agree, however, that the existence of some criteria and a better procedure would be a good thing. I would be very glad to cooperate in that.

Hon. Sharon Carstairs: Honourable senators, I hope I will make a useful suggestion. Shoot me down if I do not.

It appears that we have a resolution that has come from the other place, which is incorrect. Senator Di Nino has corrected our version of that. What we really want is the message of what it is we want the Dalai Lama to receive.

If, in the last paragraph, we took out the words "the resolution of the other place to bestow" and it read: "Therefore, the Senate of Canada supports bestowing of the title honorary Canadian citizen on His Holiness the Dalai Lama of Tibet..." if that would resolve some of the issues before us today, then I hope we could all support this resolution.

Senator Di Nino: I would totally support that.

Senator Prud'homme: Senator Carstairs is very helpful. I just proposed the same thing to Senator Di Nino that we should not join the House of Commons in a motion that is erroneously written. I do not have the English now; I have only the French. With permission, that the Dalai Lama, His Holiness, will be in Canada. Therefore, the Senate —

[*Translation*]

The Senate bestows the title of Honorary Canadian Citizen on His Holiness the Dalai Lama.

[*English*]

This way we can avoid all of the mistakes that were done in the House of Commons.

An Hon. Senator: Question!

The Hon. the Speaker: The question is called and I will read the motion as I understand it before I put the question. It was moved by the Honourable Senator Di Nino:

That

Whereas Tenzin Gyatso, the fourteenth Dalai Lama of Tibet, has been recognized with the Nobel Peace Prize as one of the world's leading champions of peace and non-violence;

Whereas His Holiness the Dalai Lama will visit Canada from September 9th to the 11th of this year; and

Whereas the Senate of Canada has previously acknowledged historic visits to Canada by other leading champions of human dignity, such as Raoul Wallenberg and Nelson Mandela, by adopting motions granting them "honorary Canadian citizenship";

Therefore, the Senate of Canada supports the resolution of the Other Place to bestow the title "honorary Canadian citizen" on His Holiness the Dalai Lama of Tibet

Is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Motion, as modified, agreed to.

• (1710)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY SOFTWOOD LUMBER AGREEMENT

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Ringuette, seconded by the Honourable Senator Milne:

That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;

That the Committee analyze, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers;

That the committee submit its final report no later than October 2, 2006;

And on the motion in amendment of the Honourable Senator Stollery, seconded by the Honourable Senator Corbin, that the motion, as amended, be amended by replacing the words "Banking, Trade and Commerce" in the first paragraph with "Foreign Affairs".—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I want to speak in support of the motion as it now stands. It represents a motion that was first proposed by the Honourable Senator Ringuette and then amended by Senator Stollery. In the case of Senator Stollery, I think he argued quite responsibly that matters of foreign trade should fall within the purport of the Standing Senate Committee on Foreign Affairs and International Trade.

I have detected — I think it is neither unfair nor partisan for me to comment — Senator Ringuette's intense interest in having a detailed and broad discussion of whatever flaws may exist in the purported lumber agreement between our two countries, notwithstanding the fact that the agreement itself has not been signed.

My anticipation, from the wording of the resolution, is that if the agreement is signed, as everybody hopes it will be — certainly on this side and perhaps in other places in the country — over the next three or four months, then we could have the committee review the actual agreement, invite the minister and officials, plus other groups who may have legitimate concerns to express.

I respect Senator Ringuette's desire, which is appropriate for a leading senator on the opposition benches, to underline the difficulties and weaknesses in the government position — that is her constitutional obligation. — I will take this resolution to the steering committee of the Standing Senate Committee on Foreign Affairs and International Trade and seek their consent for an orderly plan to consider the actual proposition as it emerges. Based on their decision, I would report back.

Therefore, the date of October 2 may produce a report which merely says the committee is considering how it may seek to proceed. However, I have no difficulty with proceeding on that basis, as long as honourable senators understand that I am doing so in support of my colleague, Senator Stollery, and the desire to have a rational discussion when all the facts are on the table, which I am sure, at some level, Senator Ringuette would appreciate as well.

Hon. Jack Austin: Honourable senators, I do not intend to intervene on the substantive part of the motion, but simply on a long- standing procedural question. I would like to draw to the attention of the present chair of the Standing Senate Committee on Foreign Affairs that its actual mandate includes international trade, but that the title of the committee has never added that phrase, although it did so in the other place. I would suggest to the chair, Senator Segal that the committee consider whether it would not avoid confusion in terms of mandates of committees simply to adopt that title as well, to explain that the committee's mandate deals with foreign affairs and international trade, and that the banking committee mandate deals with banking, trade and commerce. The trade and commerce reference is to internal Canadian trade.

The Hon. the Speaker: Are senators ready for the question?

Hon. Joan Fraser (Deputy Leader of the Opposition): I simply wanted to observe that I greatly appreciate Senator Segal's constructive attitude. Obviously, all senators always wish to do proper, thorough, fair study of whatever matter is before them.

On the matter of the date, I had observed myself that October 2 might be cutting it a bit fine. I would have proposed a motion in amendment, but Senator Ringuette is at committee right now and I would not want to do that without her. I would observe that it is also equally possible for a committee chair to come and request an extension of the mandate. It is not difficult.

Hon. Peter A. Stollery: Just to wind it up, honourable senators, I made my points the other day when I moved the amendment. I agree with Senator Segal, and I strongly subscribe to Senator Austin's observation, that we really should get around to changing the name of this committee. This is an important procedural question, because if we start sending wrong things to wrong committees, this has a lot of implications.

My intervention is nothing more than it should go to the right committee. It is not in any way to be taken as a plan to deal with the issue before the committee is ready to deal with it.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have just one brief comment. I think a lot of confusion regarding where these items are sent to committee might be avoided when the individual senators plan to propose a motion of referral to a committee. If the individual senators were to check and verify with the committee chair, the vice chair and members of the committee whether they would be agreeable to look at an issue. If honourable senators would follow this procedure rather than coming on the floor of the Senate, moving a motion, and then finding out afterwards that it is referred to the wrong committee, we would avoid much of this confusion. It shows to us that obviously the homework was not done initially prior to moving this on the Senate floor. It would avoid a lot of this confusion afterwards.

I am quite sure the members of the committee in question would indicate to the senator that the choice of committee was wrong to begin with. I just pass that on in passing — if we intend senators to move motions, we should do our homework first.

Senator Fraser: Question?

The Hon. the Speaker: I hear the question being called. It was moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Milne:

> That the Standing Senate Committee on Banking, Trade and Commerce study and report on the Canada-United States agreement on softwood lumber;

Some Hon. Senators: Dispense.

The Hon. the Speaker: I think I will read it because there is an amendment that attaches to it.

> That the committee analyze, among other things, the impact of Canada's resource management on sovereignty, the impact on the interpretation of NAFTA chapters 11 and 19, and provisions contained in the agreement with regard to financial support for the industry and its workers;
>
> And that the committee submit its final report no later than October 2, 2006.

And on the motion in amendment of the Honourable Senator Stollery, seconded by the Honourable Senator Corbin:

> That the motion as amended be amended by replacing the words "banking, trade and commerce" in the first paragraph with "foreign affairs."

On the amendment, honourable senators, is it your pleasure to adopt the motion?

Motion agreed to.

The Hon. the Speaker: On the motion as amended, is it your pleasure, honourable senators, to adopt the motion?

Motion as amended agreed to.

[*Translation*]

THE SENATE

MOTION TO ACCOMMODATE SENATORS SPEAKING IN ANCESTRAL LANGUAGES—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Bryden:
>
> That the Senate should recognize the inalienable right of the first inhabitants of the land now known as Canada to use their ancestral language to communicate for any purpose; and
>
> That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language in this House may do so.—(*Honourable Senator Comeau*)

Hon. Eymard G. Corbin: Honourable senators, I would like to know whether my honourable colleague, Senator Comeau, intends to speak to this motion early in the fall.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, the repercussions of adopting this motion could be very significant, which is why I intend to indicate where I stand on the issue in the fall. I believe other senators are also interested in this matter.

Order stands.

[*English*]

ISSUES ON FOREIGN TRADE

INQUIRY—DEBATE ADJOURNED

Hon. Jack Austin, for Senator Stollery, rose pursuant to notice of May 4, 2006:

> That he will call the attention of the Senate to issues in foreign trade.

He said: Honourable senators, given that this item has reached the fifteenth day, I would like to ask colleagues to rewind the clock. The subject of issues in foreign trade is a very important one to Canadian policy. We have seen many comments now made by the Minister of International Trade, the Honourable David Emerson, with respect to bilateral agreements and Canada's desire to advance its international trade program. I think this subject would well merit additional consideration.

I would ask honourable senators to rewind the clock on this item.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Done. What clock?

On motion of Senator Fraser, debate adjourned.

• (1720)

KYOTO PROTOCOL

GOVERNMENT POSITION—INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of May 30, 2006:

> That he will call the attention of the Senate to the stated intention of the Canadian government to weaken the Kyoto Protocol, and to dismantle 15 climate change programs, including the One-Tonne Challenge and the EnerGuide program.

He said: Honourable senators, I address my inquiry on the Canadian government's stated intention to weaken the Kyoto Protocol, to emphasize my dismay and distress over government inaction in this respect and to summarize a number of things I said during the session, particularly in Question Period, for the record and to emphasize my point.

The issue of climate change is the issue of the 21st century. It is extremely difficult to understand how the government could argue that it has had only three or four months to develop its plan. The government sat in opposition for a long time and could have made use of that time to take initiative on this important issue. In fact, during that period of time in opposition, the government prepared to take initiative on a number of important issues. It took initiative in cancelling these programs without sufficient time to properly evaluate them. The One-Tonne Challenge and the EnerGuide programs, contrary to strong evidence and advice from advisers in the department, were cancelled. Thirteen years in opposition is plenty of time to develop a proposal but a few months in government and programs are cancelled without taking the time to evaluate them properly.

The problem of climate change is significant to Canada and to the world. Anyone can read the litany of evidence, which is clear. The 2005 hurricane season in the U.S. was the most active and destructive on record. In 2003, more than 30,000 premature deaths occurred in Europe as a result of one of the worst heat waves on record. Glaciers across the world are shrinking at such a rate and extent that by mid-century, Glacier National Park in the U.S. will have no glaciers. Sea levels are rising so fast that many small islands in the Pacific have no future. I am reading from an article in the *Toronto Star* by James Ford. This is just one of an infinite number of articles or studies that would defend and emphasize that climate change is a real issue that needs to be addressed.

I am confronted by at least one member on the government side in the Senate who said that it is obviously bad science and nothing can be proven. He was good enough to give me an article in the *National Review* that argued that case. Interestingly enough, the author was not a scientist but was an ideologue.

The current level of massive consensus exists on few other scientific questions. The scientific community agrees that this problem is real, is caused by human-driven emissions and that to argue it as a scientific debate is absolutely wrong. Rather, the debate should be scientists versus ideologues, who, for whatever reason, will not acknowledge that this problem exists. If we argue the problem does exist and we are wrong, the ideologues say that no harm can be done and that the outcome could only be good. If we argue incorrectly that it does not exist, and we are wrong, there would be untold damage, and much of that is being created even as I speak.

I am dismayed that nothing is being done and there is profound evidence of a lack of leadership in this government where it counts. Programs have been cancelled, literally with no supporting evidence or evidence to the contrary. Lip service has been paid to replacement programs, one being the bus-pass program which clearly is an afterthought replacement that was originally designed as a vote-buying program. Certainly, it is not an effective replacement because it is so inefficient in reducing greenhouse gas emissions.

Recently, the Minister of the Environment went to Saskatchewan to announce an ethanol program, which truly defied the imagination in wondering how an announcement of an ethanol program could be so limited and so poorly thought out. The program states only that there would be a requirement for 5 per cent ethanol in gasoline in 2010, I believe. No mention was made of the many issues that farm communities are determined to see action on, such as value-added, which must not elude farmers as so many other projects have. There is a need to ensure that the production of ethanol is Canadian and that the producers participate in the value added by that ethanol production. That issue was not addressed in any way in the announcement by the minister.

The minister, who should embrace public contact, debate and public input, is literally running away from it. Perhaps it was a scheduling conflict but she failed to appear for her meeting at the Federation of Canadian Municipalities, which comprises of more than 1,000 municipalities in Canada, representing upwards of 80 per cent of the Canadian population. The FCM fully endorsed the Kyoto Protocol and is pursuing its objectives under that agreement. The minister also failed to attend the Toronto Smog Festival because of a scheduling conflict, again. One conflict, it was said, was her need to be in the House for a vote and the other, it was said in this house, was her need to speak here. Well, she had to be there to speak so why choose one over the other? The minister has refused to meet with the House of Commons Standing Committee on Environment and Sustainable Development and to meet with the Standing Senate Committee on Energy, the Environment and Natural Resources. One would think that a leader who was intent upon doing her job properly would want to receive input from her colleagues and from this house as well.

On various occasions, she has given us "evolving reasons" for cancelling programs. The first reason was that our programs were inefficient, but the government could not have meant that because it replaced inefficient programs with less efficient programs. The second reason was failure to meet objectives under the Kyoto Protocol. However, the government does not believe that reason because their answer is to bring in a program that will have lower objectives, thereby entrenching failure to meet Kyoto objectives. The third reason is the refrain that we need a made-in-Canada policy. All 15 programs that the government cancelled out of hand were made in Canada and apply only in Canada. Only tradable permits might have a partial implication outside of Canada, but that program has not been established yet.

Honourable senators, review the reasons for the cuts and understand that none of them truly works because they are illogical, although they might have a certain political cachet and refrain with some residents. The real reason the programs were cancelled is that the government wants to spend the money on other things. It nixed the Kelowna agreement out of hand, which was likely easy politics from the government's point of view. It has cut environmental programs out of hand, which saves a great deal of money. It is cutting the national daycare program proposed by the previous government because the program is not politically representative and because it will save money. Where is the government spending the money it saves?

• (1730)

They are spending that money on a GST cut which every economist except one in this country would say is not good for the economy or for productivity and is far less effective in promoting productivity than cutting income tax. In fact, they have raised income tax, so they needed money to do that. They needed money for their $1,200 per year child care program, which really is not a child care program, or certainly not an early child learning program. They needed money to address a fiscal imbalance which literally may not exist. They need money to pay for the prisons that will be required by their mandatory minimum program, which will not result in a reduction of crime; it will simply result in costing us a great deal more money. They find the money by cutting environmental programs.

My belief is that this issue of climate change is the issue of our times. It is a hugely significant and important issue. It is an issue that has, ironically, many advantages for Canada. Canada can be a leader in technology and in research and development in this area because we have such a high stake in energy. There is a motivation in places like Alberta to find ways to make energy cleaner and better and to pursue alternative energy sources. There are huge opportunities for Canada, as an economy of the future, to lead the world on this important challenge. This can be a great unifying venture for Canadians, of the magnitude of building a railroad, which is what brought this country together and became the foundation for the development of its economy. This project is much less tangible, perhaps, than building a railroad, but it is consistent with the nature of culture, intellectual pursuit and policy questions that confront the world today.

Great leadership could seize that opportunity and see it as a way of bringing Canadians together for great social and economic impact, for developing the strength of Canada's place in the world. Instead, what we have is a government that has fundamentally retreated from that challenge.

This says that they have no faith that Canadians can step up to and achieve great challenges. It is not inconsistent with an observation made by Senator Joyal yesterday in speaking to Bill C-2, when he said that, as he reads this bill, there is a pervasive element of distrust. There is a lack of faith that Canadians can do great things, can do things better than many other people in the world can even begin to achieve. We will lose that opportunity because this government has allowed itself, and on behalf of Canadians, to fade away.

The government either has little faith in Canadians, which I simply cannot countenance, or has no confidence in its ability to lead Canadians. That I can believe, because what I have seen in the way that they have conducted themselves on this massively important policy file is a fundamental lack of leadership, a lack of leadership in an area where great leaders would be challenged and driven, and in being driven and challenged, they would inspire Canadians to do great things. We could lead the world in this opportunity, in this place, but we will not until this government is gone.

Hon. Senators: Hear, hear!

Hon. Terry Stratton: I would like to be able to respond to this, but not at this moment. I just want to recall something very briefly. The honourable senator's government was in power for 13 years during which time greenhouse gas emissions increased 35 per cent. I move adjournment of the debate.

Senator Mitchell: Is that a question? Can I answer it? Is that a free shot?

The Hon. the Speaker: Order.

An Hon. Senator: Take it outside.

On motion of Senator Stratton, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY CURRENT SOCIAL ISSUES OF LARGE CITIES

Hon. Art Eggleton, for Hon. Michael Kirby, pursuant to notice of June 13, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on current social issues pertaining to Canada's largest cities. In particular, the Committee shall be authorized to examine:

(*a*) poverty

(*b*) housing and homelessness

(*c*) social infrastructure

(*d*) social cohesion

(*e*) immigrant settlement

(*f*) crime

(*g*) transportation

(*h*) the role of the largest cities in Canada's economic development

That the study be national in scope, with a focus on the largest urban community in each of the provinces;

That the study report proposed solutions, with an emphasis on collaborative strategies involving, federal, provincial and municipal governments;

That the Committee submit its final report no later than December 31, 2007, and that the Committee retain all powers necessary to publicize its findings until March 31, 2008; and

That the Committee be permitted, notwithstanding usual practices, to deposit any report with the Clerk of the Senate, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, pursuant to rule 30, I ask leave of the Senate to modify the motion to delete the last paragraph and make consequential changes to the motion with respect to punctuation and grammar.

The Hon. the Speaker: Did I hear correctly that there is an amendment coming?

Senator Eggleton: I understand there is some concern from members about an automatic go-around the Senate in terms of putting a report, that it is preferred to have it on a specific basis. I am quite happy to accommodate that. That is what that amendment is about.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion as modified?

Motion, as modified, agreed to.

COMMITTEE AUTHORIZED TO STUDY IMPACT OF CANADA'S AGING POPULATION

Hon. Sharon Carstairs, pursuant to notice of June 22, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on the impact on our Canadian society of our aging population in particular the impact on seniors. The study will include:

(*a*) the range of public services now provided to seniors;

(*b*) the gaps which currently exist in these services;

(*c*) the implications for both service delivery systems and costs as the number of people eligible for these services increases as a percentage of the population;

That as a result of this examination the Committee recommend policy changes which need to be made now by the government so that the required services will be available to seniors for the foreseeable future;

That the Committee review strategies other OECD countries have adopted to deal with the issue of caring for their aging population, as well as Canada's obligations in light of the 2002 Madrid International Plan of Action on Aging;

That the Committee consider the full range of services involved in caring for seniors including, but not limited to, the following:

a. All aspects of health care, including home care, institutional-based care, mental health services, prescription drug services, chronic care diseases, palliative care;

b. Health promotion;

c. Injury prevention;

d. Income support;

e. Housing;

f. Transportation;

g. Ways to help seniors live a fulfilling existence;

And that the Committee present its final report to the Senate no later than December 31, 2007.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

MOTION REQUESTING GOVERNMENT RESPONSE TO REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE ADOPTED

Hon. Joan Fraser (Deputy Leader of the Opposition), pursuant to notice of earlier this day moved:

> That, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government to the Second Report of the Standing Senate Committee on Transport and Communications, adopted by the Senate on June 22, 2006, with the Minister of Industry, the Minister of Canadian Heritage, the Minister of Finance, the Minister of Justice and Attorney General of Canada, and the President of the Treasury Board being identified as Ministers responsible for responding to the report.

She said: I would like to note, honourable senators, as you may have heard me say earlier, Senator Tkachuk had been willing to second this motion, but he is unfortunately temporarily out of his seat at this moment, so we have proceeded otherwise.

• (1740)

All this motion does — and this is becoming almost standard — is ask these ministers to respond to the report of the Standing Senate Committee on Transport and Communications dealing with the Canadian news media, which the Senate adopted last week. The report is thorough. It is not long, but it contains 40 recommendations touching these ministers.

If I may say so, it was a pleasure to work on the committee that did this study. I would like to pay homage to Senator Bacon, who concluded this study as chair of the committee, and to all the senators who participated in this study over three years. We worked hard; we travelled; we heard more than 300 witnesses, and received many written submissions in addition to that.

We believed and believe that, although the news media in Canada are themselves in many ways healthy — the envy of the world in many ways — elements of public policy seriously need to be addressed to ensure that we continue to have healthy, vigorous and independent news media.

Earlier today I gave notice of an inquiry that I will launch in the fall to discuss these matters more fully. All this motion does is, as our rules allow, ask ministers to provide a response within, as I believe the rules call for, 150 days from the date the Senate adopted the report, which was last Thursday.

Motion agreed to.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motion:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, September 19, 2006 at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned to Tuesday, September 19, 2006, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION

*(indicates the status of a bill by showing the date on which each stage has been **completed**)*

(1st Session, 39th Parliament)

Wednesday, June 28, 2006

*(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

GOVERNMENT BILLS (SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		subject-matter 06/06/28 Special Committee on Senate Reform					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs					
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22							
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20							
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (*Appropriation Act No. 1, 2006-2007*)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance					
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0			

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27							

CONTENTS

Wednesday, June 28, 2006

PAGE

SENATORS' STATEMENTS

Yukon River Quest
Hon. Ione Christensen 704

University of Ottawa and University of Michigan Law Program
Hon. David Tkachuk 704

Battle of the Somme
Ninetieth Anniversary.
Hon. Jack Austin 704

Boycott by Canadian Union of Public Employees-Ontario Against Israel
Hon. Jerahmiel S. Grafstein 705

Sudan
Conflict in Darfur.
Hon. Roméo Antonius Dallaire 705

Ross Creek Centre for the Arts
Grand Opening.
Hon. Jane Cordy 706

ROUTINE PROCEEDINGS

Auditor General
2005-06 Annual Report on Privacy Act Tabled.
The Hon. the Speaker 706

Conflict of Interest for Senators
Report Pursuant to Rule 104 Tabled.
Hon. Serge Joyal 706
Notice of Motion to Authorize Committee to Engage Services.
Hon. Serge Joyal 706
Notice of Motion to Refer Documents from Previous Parliament to Current Session.
Hon. Serge Joyal 706

Study on Current State of Media Industries
Notice of Motion Requesting Government Response to Report of Transport and Communications Committee.
Hon. Joan Fraser 706
Notice of Inquiry.
Hon. Joan Fraser 707

State of Literacy
Notice of Inquiry.
Hon. Joyce Fairbairn 707

QUESTION PERIOD

Labour
Quebec—Establishment of Federal Offices.
Hon. Roméo Antonius Dallaire 707
Hon. Marjory LeBreton 707

Human Resources and Social Development
Future of National Literacy Secretariat.
Hon. Joyce Fairbairn 707
Hon. Marjory LeBreton 708

PAGE

Funding of Various Programs.
Hon. Fernand Robichaud 708
Hon. Marjory LeBreton 708

National Revenue
Federal Accountability Bill—Cost Effect on Delegates to Political Conventions.
Hon. Hugh Segal 709
Hon. Marjory LeBreton 709
Hon. David P. Smith 709
Hon. Marie-P. Poulin 709

Labour
Legislation to Control Second Hand Smoke.
Hon. Mac Harb 710
Hon. Marjory LeBreton 710

Prime Minister's Office
Transparency Toward Media.
Hon. Céline Hervieux-Payette 710
Hon. Marjory LeBreton 710

National Defence
Former Lobbying Activities of Minister.
Hon. Céline Hervieux-Payette 710
Hon. Marjory LeBreton 711

Public Works and Government Services
Federal Accountability Bill—Proposed Procurement Policies.
Hon. Tommy Banks 711
Hon. Marjory LeBreton 711

Delayed Answers to Oral Questions
Hon. Gerald J. Comeau 711

Indian Affairs and Northern Development
First Ministers' Agreement on Aboriginal Issues—Funding of Initiatives.
Question by Senator Fraser.
Hon. Gerald J. Comeau (Delayed Answer) 711

National Defence
Multi-mission Effects Vehicle—Status of Upgrade to Weapons System.
Question by Senator Dallaire.
Hon. Gerald J. Comeau (Delayed Answer) 712

Speaker's Delegations to Kenya and France
Commonwealth Speakers' and Presiding Officers' Conference, January 3-8, 2006 and Meeting with Representatives of French Senate, January 9-12, 2006—Reports Tabled.
Hon. Daniel Hays 712

ORDERS OF THE DAY

Business of the Senate
Hon. Gerald J. Comeau 712

The Senate
Motion to Extend Wednesday Sitting Adopted.
Hon. Gerald J. Comeau 712
Hon. Marcel Prud'homme 712

Constitution Act, 1867 (Bill S-4)
Bill to Amend—Second Reading—Debate Continued.
Hon. Jerahmiel S. Grafstein 713
Hon. Lowell Murray 715
Hon. Gerald J. Comeau 715
Hon. Tommy Banks 715

PAGE

Hon. Ione Christensen . . . 715
Hon. Percy Downe . . . 716
Hon. Joan Fraser . . . 717
Subject Matter Referred to Committee.
Hon. Joan Fraser . . . 719

Criminal Code (Bill S-207)
Bill to Amend—Second Reading—Debate Continued.
Hon. Roméo Antonius Dallaire . . . 719
Hon. Sharon Carstairs . . . 721

Drinking Water Sources Bill (Bill S-208)
Second Reading—Debate Continued.
Hon. Charlie Watt . . . 722
Hon. Gerald J. Comeau . . . 722
Hon. Eymard G. Corbin . . . 722
Hon. Joan Fraser . . . 722

National Philanthropy Day Bill (Bill S-204)
Second Reading—Debate Adjourned.
Hon. Jerahmiel S. Grafstein . . . 723

Food and Drugs Act (Bill S-205)
Bill to Amend—Second Reading—Order Stands.
Hon. Jerahmiel S. Grafstein . . . 724
Hon. Tommy Banks . . . 724

Study on State of Health Care System
Report of Social Affairs, Science and Technology Committee—
Debate Adjourned.
Hon. Joan Cook . . . 724

The Senate
Amendment to the Constitution of Canada—
Western Provincial Representation—Referred to Committee.
Hon. Sharon Carstairs . . . 725
Hon. Marcel Prud'homme . . . 726
Hon. Charlie Watt . . . 727
Hon. Lowell Murray . . . 727
Referred to Committee.
Hon. Lowell Murray . . . 728
Hon. Willie Adams . . . 728

Dalai Lama
Motion to Bestow Honorary Citizenship Adopted.
Hon. Consiglio Di Nino . . . 729
Hon. Eymard G. Corbin . . . 729

PAGE

Motion Modified.
Hon. Consiglio Di Nino . . . 729
Hon. Joan Fraser . . . 730
Hon. Marcel Prud'homme . . . 730
Hon. Jerahmiel S. Grafstein . . . 731
Hon. Eymard G. Corbin . . . 731
Hon. Hugh Segal . . . 732
Hon. Sharon Carstairs . . . 732

Banking, Trade and Commerce
Committee Authorized to Study Softwood Lumber Agreement.
Hon. Hugh Segal . . . 733
Hon. Jack Austin . . . 733
Hon. Joan Fraser . . . 734
Hon. Peter A. Stollery . . . 734
Hon. Gerald J. Comeau . . . 734

The Senate
Motion to Accommodate Senators Speaking
in Ancestral Languages—Order Stands.
Hon. Eymard G. Corbin . . . 734
Hon. Gerald J. Comeau . . . 734

Issues on Foreign Trade
Inquiry—Debate Adjourned.
Hon. Jack Austin . . . 735
Hon. Gerald J. Comeau . . . 735

Kyoto Protocol
Government Position—Inquiry—Debate Adjourned.
Hon. Grant Mitchell . . . 735
Hon. Terry Stratton . . . 736

Social Affairs, Science and Technology
Committee Authorized to Study Current Social Issues
of Large Cities.
Hon. Art Eggleton . . . 737
Committee Authorized to Study Impact of Canada's
Aging Population.
Hon. Sharon Carstairs . . . 737

Study on Current State of Media Industries
Motion Requesting Government Response to Report
of Transport and Communications Committee Adopted.
Hon. Joan Fraser . . . 738

Adjournment
Hon. Gerald J. Comeau . . . 738

Progress of Legislation . . . i

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid
Lettermail
Poste-payé
Poste-lettre
1782711
OTTAWA

If undelivered, return COVER ONLY to:
Public Works and Government Services Canada
Publishing and Depository Services
Ottawa, Ontario K1A 0S5



Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5